
The Maine Juvenile Justice Task Force

*AN INTEGRATED APPROACH TO TRANSFORMING
MAINE'S JUVENILE JUSTICE SYSTEM*

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University of Southern Maine
Muskie School of Public Service

Juvenile Justice Task Force Chairs:

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EXECUTIVE SUMMARY

The Juvenile Justice Task Force was convened in April, 2009 under the joint leadership of the Chief Justice of Maine's Supreme Judicial Court, Leigh Saufley, First Lady Karen Baldacci, Chair of Maine Children's Cabinet, and Dean Peter Pitegoff of the University of Maine School of Law. The Juvenile Justice Task Force members represent multiple state agencies, branches of government, and sectors of the non-profit and private communities. As a result, the conclusions drawn and the recommendations made by the Juvenile Justice Task Force span across systems and points of entry to address the service of juveniles from early education to aftercare and the transition to adulthood.

In the charter establishing the Juvenile Justice Task Force, Chief Justice Saufley enumerated the goals of the Task Force's as encompassing reform in the areas of educational attainment, access to community-based services, correctional practices, resource allocation, and organizational structure and development.¹ In response, more than 70 affiliated professionals, representatives from interested stakeholder organizations, and others with valuable knowledge and experience to contribute began working to formulate informed recommendations that would address the aforementioned goals.

Three subcommittees emerged from the Juvenile Justice Task Force, focusing respectively on Education, Incarceration/Detention, and Community-Based Services. Each subcommittee worked to evaluate current system practices and identify inefficiencies and gaps in services, in consideration of youth outcomes and by comparisons with nationwide best practices, before devising recommendations designed to improve juvenile service-provision and system organization in Maine. Several conclusions in each area of research particularly guided the creation of the goals and recommendations put forth by the Juvenile Justice Task Force.

Education

A student who does not complete high school has a greater risk of negative outcomes than peers who do complete high school. Each youth who does not complete high school costs the nation \$292,000 over his or her working life.² Cumulatively, students in the Class of 2009 who left school would generate an additional \$319 billion in wages, taxes, and productivity over their working lives had they finished high school.³ It is estimated that the projected national nongraduates' collective failure to graduate will decrease their aggregate lifetime income by over \$990 million.⁴ Maine loses 21 students every school day,⁵ and projections indicated that Maine's high school class of 2009 failed to graduate over 3,800 youth.⁶ In 2007, six percent (6%) of Maine's teens were not in school and not working.⁷ Disengaged youth are at a higher risk of entering the justice systems—54.1% of adult prisoners in Maine had less than a high school education, 11.1% had less than a 9th grade education.⁸ Increasing Maine's high school graduation rate through policy reform and the creation of educational alternatives will have a significant preventative effect on later juvenile justice system involvement.

Incarceration/Detention

Since 1997, the United States has seen a steady decrease in juvenile arrests for serious crimes, but the number of juveniles in secure confinement has not decreased at the same rate. Arrest indices have decreased by 43%, but detention has only decreased by 12%.⁹ When detained or committed, youth in secure confinement face many deleterious problems. “[D]etention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment.”¹⁰ Incarcerated youth are at a higher risk of engaging in suicide and self-harm.¹¹ Upwards of forty percent of incarcerated youth have a learning disability and face significant challenges returning to school after leaving detention.¹² Incarceration reduces juveniles’ future earnings and their ability to remain in the workforce and can “change formerly detained youth into less stable employees.”¹³ Moreover, “there is credible and significant research that suggests that the experience of detention may make it *more likely* that youth will continue to engage in delinquent behavior, and that the detention experience may *increase* the odds that youth will recidivate, further compromising public safety.”¹⁴ Additionally, incarceration often fails to meet the mental and developmental needs of youth, and it can slow the natural “aging out” process of delinquency. Secure confinement has profoundly negative effects on the mental and physical well being of a youth by disrupting connections to families, school, work and the community.¹⁵

Community-Based Systems

Only a robust continuum of community-based programs can ensure that Maine’s youth receive individualized treatment appropriate to their offenses. It is imperative that Maine encourage and support the expansion and development of a broad range of community-based programs aimed at identifying and addressing factors leading to its youth’s initial and continued involvement in the juvenile justice system.¹⁶ Maine can look to research-informed and evidence-based practices to guide program creation and expansion.

There are three areas of improvement that, once addressed, will lead Maine naturally to a decreased use of confinement for many juvenile offenders. The critical areas for reform are: an increase in the availability of quality and cost effective programs; straightforward and transparent access to these programs for youth in need; and increased coordination between agencies and stakeholders to better utilize resources in the service of all Maine youth.

Juvenile Justice Task Force Goals

1. Establish a statewide goal of 90% high school graduation rate by 2016 and 95% by 2020.

[Legislation regarding this goal has been passed. See Appendix B]

- Leaving school is the single most significant predictor of negative youth outcomes. Youth who leave school are twice as likely to be unemployed, three times as likely to live in poverty, twice as likely to become the parent of a dropout, and more likely to end up in prison. 54.1% of adult

prisoners in Maine (for whom education data is available) had less than a high school education, 11.1% had less than a 9th grade education.

2. By 2011, develop suspension, expulsion, zero tolerance, and truancy policies that reflect best practices. [Legislation regarding this goal has been passed. See Appendix B]

- In 2001, Maine state law expanded its zero tolerance policies. Now, in cases where a student is deliberately disobedient or deliberately disorderly, Maine law recommends expulsion. Most other states recommend either suspension or expulsion. Also, Maine schools, both traditional and alternative, are not required to admit any student who has been expelled from any other Maine school.

3. By 2014, increase by 50% the number of children and youth in Maine who have access to quality early childhood education and proven prevention strategies throughout adolescence.

- Even though the majority of a child's core brain structure is formed before the age of three, the amount of public investments in education is relatively small during this period of development.
- Maine needs to encourage and support the expansion and development of a broad range of community-based programs aimed at identifying and addressing factors leading to its youth's initial and continued involvement in the juvenile justice system. These programs would include diversion and placement alternatives, transition services, family supports, out-of-school programs, and employment opportunities.

4. Create multiple pathways for educating children and youth by working with the Department of Education in the development of a strategic plan (2010).

- Maine must enhance and support multiple pathways of education which value and respect differentiated learning styles and educational needs. Alternative educational settings and programs can better meet the needs of students, within and outside the juvenile justice system, who possess different personal and learning styles that are not adequately addressed within the traditional educational system.

5. Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.

- Juveniles in detention are separated from natural supports and developmental influences associated with normal positive youth development. Prolonged periods of detention may reduce future educational achievements, employment opportunities, and earning potential. Low-risk offenders are often referred to the Division of Juvenile Services because there are limited or no effective community-based diversion programs in many communities throughout the state. Youth have better outcomes and decreased recidivism rates if strategic detention alternatives are used whenever possible rather than secure correctional detention and confinement.

6. Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.

- Decreasing detention and commitment relies on the availability of effective community-based services. All programs and placements must be rigorously evaluated and regularly monitored to ensure that any program or placement used as a detention alternative will save money, improve youth outcomes, and maintain public safety. Maine's policy makers need to maintain and pursue programs that are supported by outcome evaluations clearly demonstrating effectiveness.

7. By September of 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Maine Dropout Prevention Summit. [Legislation regarding this goal has been passed. See Appendix B]

- Only a robust continuum of community-based programs can ensure that Maine's youth receive individualized treatment appropriate to their offenses. It is important to encourage local collaborations at the community level, rather than instituting top-down mandates for reform. A community best knows how to address the needs of its youth who are at risk of juvenile justice system contact.

8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible. [Legislation regarding this goal has been passed. See Appendix B]

- "One of the most critical components of any effective juvenile justice system is the ability to quickly and effectively respond to a juvenile in crisis. Maine is fortunate to have a well-trained and effective cadre of professional Juvenile Community Corrections Officers (JCCO). Unfortunately, the resources that JCCOs have available when a juvenile is in crisis are oftentimes inadequate to permit the JCCO to effectively deal with the situation. Further, some of the most critical resources are oftentimes lacking, and vary greatly by geographic region." A detailed map of services and resources is essential to the adequacy and timeliness of system response and the effective treatment of juveniles. *(quote taken with permission from an internal Task Force document prepared by Deputy Chief Judge LaVerdiere)*

9. By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system. [Legislation regarding this goal has been passed. See Appendix B]

- Flexible funding options are necessary to provide needed services despite the restrictive guidelines surrounding the use of MaineCare and other public funding streams by community-based placements and programs. Maine must develop a plan of making alternative funding options available to quality programs across Maine.

10. Form a Juvenile Justice Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts. [Legislation regarding this goal has been passed. See Appendix B]

- In order to create lasting change, a mechanism must be put into place to further the work of the Juvenile Justice Task Force and spur on meaningful reform initiatives. This staffed committee will coordinate efforts between partnering groups and agencies in order to carry out the recommendations put forth by the Juvenile Justice Task Force and ratified by stakeholders across the state.

All of the recommended strategies put forth by the Juvenile Justice Task Force Subcommittees complement each other in achieving the above goals. With these goals in mind, we can work together to achieve lasting improvements in Maine's juvenile justice system.

A CALL TO ACTION

Maine cannot afford to lose one more of its young people to prison and jails, to homelessness, to hopelessness. Maine's response to juveniles in our communities is in urgent need of improvement. The future for disconnected youth, those who have dropped out of school, those who have lost connections with family and communities, is bleak. The Juvenile Justice Task Force envisions system-wide reform that will dramatically improve the futures of Maine's youth, prevent and remedy disconnections, and assure that they are welcomed in school and graduate to full lives.¹⁷

Juvenile Justice Task Force

On April 17, 2009, the Judicial Branch, the Children's Cabinet, and the University of Maine School of Law collaborated to establish the Juvenile Justice Task Force. The Task Force consisted of members from the Executive, Legislative, and Judicial Branches of the Maine State Government, as well as educators, law enforcement officials, social service providers, judges, attorneys, representatives from various state agencies, departments, and the legislature, and others with valuable knowledge and experience to contribute. Chief Justice Leigh Saufley of Maine's Supreme Judicial Court, First Lady Karen Baldacci, and Dean Peter Pitegoff of the University of Maine School of Law—Chairpersons of the Task Force—charged the Task Force with: bringing together all of the best and most credible research into effective programs for youth and their families; providing all stakeholders with the most current information on effective intervention with youth through a Summit and a thorough report; reviewing the current practices in Maine's juvenile justice community; recommending changes in resource allocation, program use, intervention practices, and legal procedures; and tracking and modifying objective measurement tools to provide a blueprint for going forward with substantially improved practices.

MAINE RISING Juvenile Justice Summit

In December 2009, the Juvenile Justice Task Force hosted the day-long MAINE RISING Juvenile Justice Summit for over 300 Maine stakeholders. Eight preeminent experts from across the U.S. and Canada staged presentations on the topics of education, juvenile justice, positive youth development, collaborative problem solving, detention alternatives, and cost-saving program and policy reforms. Panel experts spoke on national trends in juvenile justice reform and strategies for improving high-school graduation rates, substance abuse issues, and a costly reliance on secure detention facilities. Summit participants contained a diverse cross-section of professionals, service providers, and affiliated stakeholders. Participants divided into small groups based on geographical regions to discuss and provide feedback on the recommendations put forward by the Juvenile Justice Task Force. Task Force members acted as facilitators for discussion and retained the comments and ideas generated in the small groups. The feedback gathered in the small groups drove the revision of the Task Force goals during the drafting of the preliminary Task Force Report.

Juvenile Justice Task Force Report

The Task Force Report expands on the goals and strategies generated by the Juvenile Justice Task Force. The Juvenile Justice Task Force recognizes that juvenile justice is not an isolated point of service but rather emerges from and relies upon the other intercept points for at-risk or high-needs juveniles. The recommendations and report, therefore, include strategies for improving the educational opportunities, mental health services, and community supports available to juveniles who are at risk of juvenile justice system involvement. The Task Force Report presents the services and treatment provided to juveniles currently in Maine, the national trends and model programs that signify improvement in those areas, and suggestions for Maine to ameliorate its own situation in locally-controlled and cost-effective ways. The Task Force Report will continue to undergo revisions with the support of the Juvenile Justice Task Force before a final edition is published in the spring of 2010.

“Currently many promising programs and a growing body of research exist which, if utilized well, could dramatically improve the futures our youth, prevent and remedy disconnections, and assure that they are welcomed in school and graduate to full lives. However, too many obstacles currently stand in the path of creating those positive outcomes. Differing financial sources drive decisions for treatment and resources rather than the needs of the youth and family. Knowledge of successful programs and evidence-based practices is not uniformly known or shared by all stakeholders. Community involvement is in serious need of support. Our education system needs support in connecting to appropriate resources to promote connection and graduation. Perhaps most urgent, the inevitable limitation of resources caused by a faltering economy demands that we make the very best, most effective, use of every dollar dedicated to helping our young people.”¹⁸

The Juvenile Justice Task Force Narrative

EDUCATION

High School Graduation

National

A student who does not complete high school has a greater risk of negative outcomes than peers who do complete high school. Nationally, a youth who leaves school is twice as likely to be unemployed, three times as likely to live in poverty, twice as likely to become the parent of a dropout, and much more likely to end up in prison.¹⁹ A strong correlation exists between truancy and drug use. In fact, several studies have documented that more than half of the juveniles not in school when arrested test positive for drug use.²⁰

Each youth who does not complete high school costs the nation \$292,000 over his or her working life.²¹ Cumulatively, students in the Class of 2009 who left school would generate an additional \$319 billion in wages, taxes, and productivity over their working lives if they had finished high school.²² It is estimated that the projected national non-graduates' collective failure to graduate will decrease their aggregate lifetime income by over \$990 million.²³ Increasing graduation rates can both reduce drains on resources and increase juveniles' positive contributions to society.

Youth drop out of school as a result of both individual and institutional factors.²⁴ Individual factors include: "the values, attitudes, and behaviors of students or physical, mental, and cognitive factors. These factors usually are viewed as existing *within* the individual student."²⁵ Institutional factors include: family factors (such as socioeconomic status, relationships, configuration, and housing), school factors (such as school policies, classroom assignments, school structure, course content, and school relationships), and community and peer factors (such as high crime rates, poor economic conditions, inadequate housing, and a lack of social support and recreational activities). Therefore, successful attempts at increasing school success rates must address varieties of learning style as well as the myriad issues outside of school that may be affecting a student's performance.

Dropout prevention approaches and strategies fall into four categories: (1) school-wide improvement and restructuring; (2) supplementary and targeted programs; (3) alternative education; and (4) student re-entry or recovery programs.²⁶ Increasing the graduation rate requires improvements in all four of the categories with collaboration among schools, families and communities. Collaborations can occur in the form of wraparound services, mentors, tutors, adult advocates, enhanced parental involvement, and quality after-school, weekend and summer programs.²⁷ Services provided to youth are most effective at dropout prevention when they are linked with the youth's school experience.²⁸

Implementing programs to decrease the dropout rate need to occur in conjunction with structural and policy changes. Dropout prevention programs operate best in small

environments where youth have access to adults that express a willingness to help students with issues inside and outside the classroom.²⁹ Successful programs recognize that family and personal problems hinder success in school, and these aspects of a youth's life need addressing as part of the program implementation.³⁰ All youth need a measure of academic challenges, and the responses to academic challenges improve when programs connect learning to personal experiences.³¹ Dropout prevention approaches and strategies need to address all risk factors contributing to youth dropping out of school.

Successfully increasing the graduation rate requires recognizing that “dropping out of school most often is a complex process, involving the interaction of several factors and conditions (often interrelated) including the individual student, family, school, peers, and community. Student dropout prevention efforts, to be effective, must actively and meaningfully involve the entire community, including parents, citizens, businesses, other agencies, and most of all, the *students themselves*. School personnel alone cannot, and should not, be expected to solve the “dropout problem.”³²

Maine

Maine loses 21 students every school day,³³ and projections indicated that Maine's high school class of 2009 failed to graduate over 3,800 youth.³⁴ In 2007, six percent (6%) of Maine's teens were not in school and not working.³⁵ Disengaged youth are at a higher risk of entering the justice systems—54.1% of adult prisoners in Maine had less than a high school education, 11.1% had less than a 9th grade education.³⁶ Recognition of the correlation between failing to graduate high school and justice system involvement has increased efforts to decrease dropout rates. In 2009, Maine held a Dropout Prevention Summit to increase public awareness of the many youth who leave school before high school graduation, therefore unprepared for “college, careers, citizenship and life,” and to “secure commitment for collaborative, multi-disciplinary action to implement solutions that strengthen schools and provide supports to kids who need them most.”³⁷

Zero Tolerance Policies

Disciplinary policies that have “zero tolerance” for student misbehavior do not allow school officials to consider the circumstances surrounding the misbehavior before suspending or expelling a student.³⁸ Once suspended, expelled, or “pushed out” of school, youth are less likely to return to school.³⁹ Nationally, zero tolerance policies derive from the limited position that drugs and weapons do not have a place in schools, but have expanded over time to include some forms of disorderly conduct. Zero tolerance policies can have the adverse effect of assigning an overly severe penalty considering the circumstances surrounding the behavior or incident. Zero tolerance policies are not consistent across the country or across Maine, because local school boards determine the policies specific to their schools with federal and state guidance.

The Federal Gun Free School Zones Act of 1994 provides federal incentives for state school districts to adopt strict policies of expulsion for possession of a firearm without permission.⁴⁰ States passed legislation based on the Federal Gun Free School Zones Act of 1994 that provided the authority for local school officials to establish zero tolerance policies; however, the state legislation broadens the strict policies of expulsion to apply to incidents beyond possession of a firearm without permission.

In Maine, the state statute provides local school boards with the authority to implement broad zero tolerance policies. Maine Revised Statutes Title 20-A §1001 provides the laws relevant to the duties of local school boards. This section divides expulsion and suspension into two categories: “Students expelled or suspended” (§9) and “Students expelled or suspended under the requirements of the federal Gun-Free School Zones Act of 1994” (§9-A). Section 9-A addresses the requirements of the Gun-Free School Zones Act of 1994. Section 9 expands the zero tolerance concept surrounding the Gun-Free School Zones Act of 1994 and states:

“Following a proper investigation of a student's behavior and due process proceedings, if found necessary for the peace and usefulness of the school, they shall expel any student:

- A. Who is deliberately disobedient or deliberately disorderly; [1993, c. 157, §1 (NEW).]
- B. For infractions of violence; [1993, c. 157, §1 (NEW).]
- C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official; [1997, c. 298, §1 (AMD).]
- D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or [1993, c. 157, §1 (NEW).]
- E. Who possesses, furnishes or traffics in any scheduled drug as defined in Title 17-A, chapter 45. [1993, c. 157, §1 (NEW).]”

This state statute instructs public school officials to expel students for deliberate disobedience, deliberate disorder, possession of drugs, or for trafficking drugs.⁴¹ The school board’s duty to expel students who are deliberately disobedient and disorderly (when found necessary for “the peace and usefulness of the school”), expands zero tolerance policies beyond possession of weapons. Additionally, the broad categories of expulsion for “disobedience” and “disorder” grant an excessive amount of discretion to school officials making expulsion decisions.

“Although arguably well intentioned, zero tolerance disciplinary policies along with suspensions and expulsions for poor attendance, truancy, or disciplinary infractions, often result in students being pushed-out of school or more subtly, not encouraged to remain in school.”⁴² Laws with clear language that prioritize keeping youth in school will enable Maine to establish discipline policies that achieve school safety, take into consideration the circumstances surrounding disobedient behavior, and provide consistent application of discipline policies.

Early Childhood Care and Prevention Strategies

Very young children learn from their surroundings, their play, and their interactions with parents and caregivers.⁴³ Their learning involves listening, verbalizing, exploring, discovery and practice that occurs without formal classroom instruction.⁴⁴ This early learning and development provides a foundation for future success in education and life.

Early childhood care and education programs provide immediate benefits to childhood brain development and long term benefits to the individual and society. Before the age of five, children experience a significant period of brain development that substantially influences their social, emotional, and cognitive development.⁴⁵ Early childhood care and education programs provide children with meaningful early opportunities to develop academic, social, and emotional skills.⁴⁶ Early childhood care and education programs create benefits in academic achievement, educational progression and attainment, positive behaviors, delinquency and crime reduction, and labor market success.⁴⁷ Well-designed early childhood interventions can generate a return to society ranging from \$1.80 to \$17.07 for each dollar spent on the program.⁴⁸

Often families with very young children have less income and fewer resources than families with older children, making it difficult to pay for educational and developmental services and supports.⁴⁹ Adults with young children typically are younger in age and therefore have less experience in the workplace, thus earning a lower salary.⁵⁰ As a result, families with children under the age of five are 50% more likely to live in poverty and 40% more likely to live at 200% below the poverty level than families with children between the ages of 6 and 17.⁵¹ Families with young children need improved access to high quality, inclusive early childhood care and education.

Nationally, public investments in education and development do not correspond with the developmental growth of children. Eighty-five percent (85%) of a child's core brain structure is formed before the age of three, but less than 4% of public investments in education and development occur by that time.⁵² National public investments in education and development "are more than seven times greater during the school aged years (\$5,410 per child) than during the early learning years (\$740 per child)."⁵³

Maine's Governor John Baldacci recently noted the need for improvements in early childhood care and education in a 2006 State of the State address, recognizing that "people who have quality early care and education have better opportunities for success."⁵⁴ The 2006 *Invest Early in Maine* report delivers the same message as the Governor: "high quality, inclusive early care and education improves every child's readiness for school, families' ability to work productively and the state's economic development goals."⁵⁵ The Maine Head Start program offers the advantages of early childhood care and education,⁵⁶ but not all children eligible for Head Start participate in the program. Each year from 2000-2008, approximately two-thirds of Head Start eligible children were not enrolled in a Head Start Program.⁵⁷

School readiness is vital to ensuring positive outcomes for youth throughout their adolescence. In addition to dropping out and exclusionary disciplinary policies, academic failure has been identified as a significant contributor to the “school to prison pipeline”.⁵⁸ “Ten to fifteen percent of children with serious reading problems will drop out of high school, and about half of youth with criminal records or with a history of substance abuse have reading problems.”⁵⁹ Students who are behind their peers academically disrupt and disengage because “it’s more socially acceptable in school to be bad than to be dumb.”⁶⁰ Often, the gaps in academic performance originate before a child enters school and persist through adolescence into adulthood. Upon entering school, children from low-income homes have roughly half the early literacy skills of children from middle and high-income homes.⁶¹ And since reading ability at age nine is associated with conduct disorder and later rates of delinquency,⁶² addressing problems of school readiness and reading ability in a child’s early years can have a significant effect on later school success and juvenile delinquency.

Prevention strategies target the risk and protective factors that lead to or prevent undesirable outcomes. Efficient prevention strategies utilize prevention science, which “postulates that negative health outcomes like alcohol abuse and dependence can be prevented by reducing or eliminating risk factors and enhancing protective factors in individuals and their environments during the course of development”⁶³. Scientific studies point to the most effective approaches to reducing problematic behaviors, from parenting skills training, to restricting youths’ access to alcohol.⁶⁴ “The fact that risk and protective factors predictive of adolescent substance abuse exist in multiple ecological domains (community, school, family, peer groups) suggests that effective prevention should involve a comprehensive approach to identifying the factors of greatest relevance in a community, and selecting and implementing appropriate evidence-based responses to those priority factors.”⁶⁵

Multiple Pathways

As a further step toward preventing its youth from entering the juvenile justice system, Maine must ensure that every youth in Maine completes high school and has access to post secondary education or meaningful employment. To achieve that end, Maine must enhance and support multiple pathways of education which value and respect differentiated learning styles and educational needs.

According to the Maine Department of Education Office of Truancy, Dropout and Alternative Education:

“The rationale for the establishment of most alternative education programs in today’s society is that many students require a different type of educational environment and program in order for them to remain in school, to maximize their full potential as adult citizens, and clearly, in some cases, to minimize the adverse effects that they may be having upon other students within the regular education mainstream.”⁶⁶

The Office of Truancy, Dropout and Alternative Education recognizes three objectives of alternative education: (1) to ensure that every young person may find a path to the educational

goals of the community; (2) to provide choices to enable each person to succeed and be productive; (3) to recognize the strengths and values of each individual by seeking and providing the best available options for all students.⁶⁷

Many students require an alternative to the traditional classroom environment to reach their full academic potential, to reach their full potential as adult citizens, and to minimize adverse effects of negative behavior on other students in the classroom.⁶⁸ Online and other non-building-bound educational programs can be used to better “meet the learning and emotional/behavioral needs of many students who possess different personal and learning styles that are difficult to accommodate within the traditional educational system. These students can include those who may not qualify for, or actually need, special education services but who are at high risk for dropping out of school at some point in their careers.”⁶⁹ The availability of nontraditional methods of teaching and learning will be a key component of any system that aims to effectively engage the broadest number of students and facilitate their educational success. Providing multiple pathways for students to achieve academic success will increase the number of students who graduate and continue on to realize their full potential as adult citizens.

In consideration of the above information and after careful collaboration, research, and review, the Education Subcommittee of Maine’s Juvenile Justice Task Force recommended that Maine set the following goals for juvenile justice system reform:

- ***Establish a statewide goal of 90% high school graduation rate by 2016, and 95% by 2020.***
- ***By 2011, develop suspension, expulsion, zero tolerance, and truancy policies that reflect best practices.***
- ***By 2014, ensure that the number of children and youth in Maine who have access to quality early childhood education and proven prevention strategies throughout adolescence is increased by 50%.***
- ***Create multiple pathways for educating children and youth by working with the Department of Education in their development of a strategic plan (2010).***

[Legislation regarding these goals has been passed. See Appendix B]

INCARCERATION/DETENTION

Reducing Incarceration and Detention

The successful execution of juvenile justice culminates in the treatment of a youth once they have committed a crime and come into contact with the juvenile justice system. When prevention efforts fail, it is the responsibility of the juvenile justice system to attempt to rehabilitate the youth and reintegrate them into society in a meaningful way, while ensuring the safety of the community. This decision often rests on a delicate determination of potential risk and available options.

National

The 1990s saw a nationwide increase in the secure confinement of juveniles, a trend stemming from reported increases of violent incidents involving juveniles and a public and political perception that the juvenile justice system was too soft on young criminals.⁷⁰ In 1995, however, at the peak of this period of high crime and strict punishment, a snapshot survey showed only 29% of detained juveniles were there for violent crimes, while 34% were detained for status offenses and technical violations, such as a probation violation.⁷¹ Unfortunately, much of this reliance on detention stemmed not from efforts to protect the safety of the community and the best interests of the youth, but rather from a lack of alternatives.⁷² This trend, which persists across the country and in Maine, is to the detriment of many incarcerated youth.

Since 1997, the United States has seen a steady decrease in juvenile arrests for serious crimes, but the number of juveniles in secure confinement has not decreased at the same rate. Arrest indexes have decreased by 43%, but detention has only decreased by 12%.⁷³

“The Missouri Model”

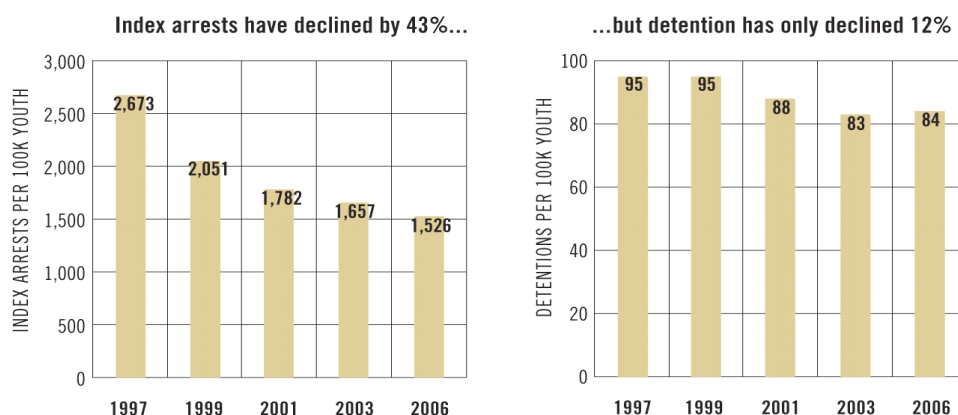
The Division of Youth Services of Missouri’s Department of Social Services serves youth offenders in small, dormitory settings and focuses on individualized and group treatment approaches. Recognized as “the guiding light for reform in juvenile justice” by the American Youth Policy Forum, the Missouri Division of Youth Services (DYS) forwards a promising new philosophy in treatment of youth offenders at its 42 locations across the state. Instead of the predominant punitive practices, DYS takes a therapeutic approach, viewing youth as a direct product of their experiences and capable of turning their lives around through a step by step change process.

DYS youth participate in daily group meetings with 10 to 12 of their peers to talk through challenges and serve as positive role models for each other. Each young person receives individualized educational assistance and participates in a host of volunteer and community engagement activities. For many DYS youth, such positive experiences carry enormous weight; often these are some of the very first accomplishments for which they can feel proud. In addition to youth served at DYS treatment centers, many are diverted from the juvenile justice system altogether through community-based programs supported by the Division, while other low-risk youth receive day treatment and family support while living at home.

Over 90 percent of youth avoid further incarceration for three years or more after graduating from the DYS program. Moreover, the program model enforces the importance of academic achievement and reports all-time high graduation and GED rates: 90 percent of youth earn high school credits, 48 percent return to public schools, and 70 percent progress more rapidly than same-age peers in core subjects. The ‘Missouri Model’ demonstrates that improved treatment, education, and support is cost-effective, reduces recidivism rates, and most importantly, provides troubled youth with the opportunity to turn their lives around and become contributing members of their communities.”

More information available at
<http://www.dss.mo.gov/dys/articles/progservice.pdf>

SERIOUS CRIME ARRESTS HAVE DECREASED SIGNIFICANTLY, BUT DETENTION HAS NOT



Note: Index arrests are classified as more serious crimes including murder, rape, robbery, aggravated assaults, burglary, larceny, motor vehicle theft, and arson; skip in 2005 for detention data is due to “unforeseen delay in mail-out” for Census of Juveniles of Residential Facilities for detained population.

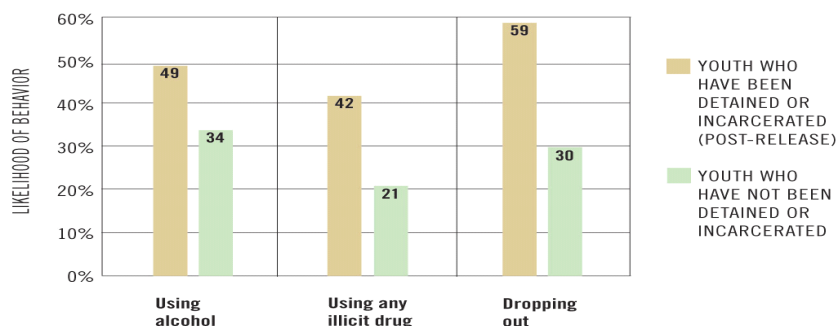
Source: OJJDP Statistical Briefing Book: Juvenile Offenders and Victims 2006; Easy Access to FBI Statistics Database 2007

When detained or committed, youth in secure confinement face many deleterious problems. “[D]etention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment.”⁷⁴ Incarcerated youth are at a higher risk of engaging in suicide and self-harm.⁷⁵ Upwards of forty percent of incarcerated youth have a learning disability and face significant challenges returning to school after leaving detention.⁷⁶ Incarceration reduces juveniles’ future earnings and their ability to remain in the workforce and can “change formerly detained youth into less stable employees.”⁷⁷ Moreover, “there is credible and significant research that suggests that the experience of detention may make it *more likely* that youth will continue to engage in delinquent behavior, and that the detention experience may *increase* the odds that youth will recidivate, further compromising public safety.”⁷⁸ Additionally, incarceration often fails to meet the mental and developmental needs of youth, and it can slow the natural “aging out” process of delinquency. Secure confinement has profoundly negative effects on the mental and physical well being of a youth by disrupting connections to families, school, work and the community.⁷⁹

DETENTION LEADS TO WORSE OUTCOMES FOR YOUTH

After release, incarcerated youth are much more likely to **drop out** of school and use **drugs and alcohol**

Youth who are detained are **more than three times** as likely to be **found guilty** and **incarcerated** than similarly situated peers.



Source: Office of State Courts Administrator, Florida Juvenile Delinquency Court Assessment (2003); LeBlanc, (1991), *"Unlocking Learning" in Correctional Facilities*, Washington, D.C.; *Substance use, abuse, and dependence among youths who have been in jail or a detention center: The NSDUH report*, The National Center on Addiction and Substance Abuse (CASA) at Columbia University, (2004); America's Promise report on national rates of high school dropouts: www.msnbc.msn.com/id/23889321/.

Leaders in juvenile justice policies and practices endorse a move away from secure confinement towards effective community-based alternatives.⁸⁰ In the last decade, new approaches, such as the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation, have spurred a movement away from reliance on secure detention, toward a preference for community-based rehabilitation service options for juveniles.⁸¹ The strategies of treating juveniles in or near their home communities, relying on natural supports, building on natural strengths, and creating programs that emulate a supportive family environment have been proven effective across the country.⁸² Programs such as the Missouri Model, which relies on a number of small group homes rather than large institutional settings, boast lower recidivism rates and better long term outcomes for youth while saving money on costly and often perpetual incarceration.⁸³

Several states have adopted a guiding principle of reserving secure confinement for only those situations where the safety of the youth and/or the community cannot be otherwise ensured. Most recently, New York, in its Juvenile Justice Task Force Report, recommended the amendment of section 352.2 of the New York State Family Court Act restricting institutional placement to only those situations "when a child poses a significant risk to public safety and, even then, only when no community-based alternative could adequately mitigate that risk," unless the incident involved a felony act.⁸⁴ This stipulation follows a growing national trend to restrict the use of detention and confinement to only the most severe of situations.

Maine

Maine youth in the juvenile justice system have similar characteristics as youth in the justice system across the United States. 71% of the youth in the Maine juvenile justice center are male, 55% percent are between the age of sixteen and seventeen and most have committed

property crimes.⁸⁵ Maine has a unique racial composition with 8% non-whites, compared to 22% nationally.⁸⁶ In Maine, the trends in the juvenile justice system include a declining arrest rate, a high likelihood of receiving a suspended sentence or community service, and a low number of juveniles in a residential facility. Additionally, Maine has a very high percentage of juvenile civil offenses comprised of alcohol and drug related offenses. The civil violations applying only to juveniles –curfew violations, loitering, and running away -- have decreased more than 70% since 1998.⁸⁷

In Maine over the past three years, although the number of juvenile arrests has been decreasing, the number of indeterminate commitments to Maine’s two juvenile youth development centers has increased by 33 percent.⁸⁸ Juvenile arrests have declined 39.5% over the last ten years.⁸⁹ Arrests for the more serious “index crimes” have decreased 50.2% from 1998 to 2007.⁹⁰ The total number of violent crimes has fallen 34.5% and the total percentage of Maine arrests that are juveniles fell from 20.4% in 1998 to 12.3% in 2007.⁹¹

Year	Total Number of Juvenile Arrests	Total Number of Adult Arrests	Total Number of Arrests	% of total arrests that are juveniles
1998	11,725	45,649	57,374	20.4
1999	19,779	45,468	56,247	19.2
2000	9,990	46,341	56,331	17.7
2001	9,951	47,090	57,041	17.4
2002	9,287	45,749	55,036	16.9
2003	9,307	46,407	55,714	16.7
2004	8,539	47,015	55,554	15.4
2005	7,740	46,760	54,500	14.2
2006	7,767	49,654	57,421	13.5
2007	7,092	50,531	57,623	12.3

Juvenile arrests for burglary, larceny-theft, and motor vehicle theft each dropped more than 50% from 1998 to 2007.⁹² On January 1, 2006, according to the Department of Corrections, 121 juveniles were committed to Maine’s youth development centers.⁹³ By July 1, 2009, that number had increased to 161 juveniles.⁹⁴ This increase in commitments occurred in the face of growing national research that shows that most juveniles can be served less expensively and more effectively in community-based settings⁹⁵— “[t]he most effective programs at reducing recidivism rates and promoting positive life outcomes for youth are administered in the community, outside of the criminal or juvenile justice systems.”

Maine juvenile recidivism rates are comprised of mostly property crimes.⁹⁶ Among a cohort of juveniles first adjudicated in 2005 and then followed for one year, property crimes made up 55% of the recidivism rate for this group.⁹⁷ The second category of recidivism offense was drug and alcohol related offenses with 23% (up significantly from 9% in 2000), and third was personal crimes with 23%.⁹⁸ The overall recidivism rate for this cohort was 27%.⁹⁹

Costs of Confinement

Commitment and detention are extremely costly. States across America spend an estimated \$5.7 billion each year imprisoning approximately 93,000 juveniles.¹⁰⁰ The State of Maine spends approximately \$412 per day per youth in secure confinement.¹⁰¹ This means, Maine spends over \$65,500 per day on the incarceration of juveniles.¹⁰² Maine can save money, improve youth outcomes, and increase public safety by ensuring that every juvenile is placed in the least restrictive setting that balances the interest of public safety with the best interests of the juvenile.

Research has shown that “[e]vidence-based community programs, particularly those designed for youth, yield higher returns than the initial cost” and are “very effective in reducing the chances that a youth [will] come into contact with the juvenile or criminal justice system.”¹⁰³

Community-based programs for youth, which are more cost-effective than secure confinement,¹⁰⁴ can reap \$13 in benefits to public safety for every dollar spent.¹⁰⁵

Evidence-based programs¹⁰⁶ such as Functional Family Therapy (FFT),¹⁰⁷ Aggression Replacement Training (ART),¹⁰⁸ Multi-Systemic Therapy (MST),¹⁰⁹ and Multidimensional Treatment Foster Care (MTFC)¹¹⁰ have been shown to reap \$10.69, \$11.66, \$13.36, and \$10.88,

respectively, in benefits to public safety for every dollar spent.¹¹¹ In addition to evidence-based programs, programs based in the community that rely on the principles of restorative justice, youth development¹¹² and promising practices in juvenile justice¹¹³ bolster the rehabilitation of a juvenile in less expensive and more effective ways.

Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative

The Casey Foundation’s juvenile justice reform agenda is designed to improve the odds that delinquent youth can make successful transitions to adulthood, primarily by reforming juvenile justice system so that they lock up fewer youth, rely more on proven, family-focused interventions, and create opportunities for positive youth development.

In 1992, The Annie E. Casey foundation launched the Juvenile Detention Alternatives Initiative (JDAI), a multi-year initiative in which sites across the country created and tested new ways to establish smarter, fairer, more effective and efficient juvenile justice systems. These sites have achieved measurable results using strategies such as better screening tools, more reliance on data, collaboration between systems and communities, and effective alternatives to secure confinement. The following are three examples of the types of results that JDAI sites have achieved across America:

In Cook County, Illinois, the average detention population dropped by 37 percent and youth arrests decreased by more than half; Multnomah County, Oregon, has decreased its detention population by two-thirds and decreased arrests by almost half; and Bernalillo County, New Mexico, greatly reduced its average daily population in secure detention between 1999 and 2003, while seeing a 26 percent drop in juvenile crime.

Across America, JDAI sites have drastically decreased the average number of kids in detention each day, increased the use of community programs to support kids, reduced the rate of kids who fail to appear for their court hearings, and seen fewer kids arrested again before their trials.

More information on the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative programs can be found at <http://www.aecf.org/Home/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>

Quality Assurance

The juvenile justice system and its various components must implement a Quality Assurance system, accreditation system, or set of standards that ensure that cases are managed expeditiously and effectively, allowing for stakeholder input. “Some programs work, some programs do not, and careful analysis is needed to inform policy decisions.”^{114[i]} Thus, every program or placement used as a detention alternative must be evaluated and monitored so that Maine’s policy makers can maintain and pursue programs that are supported by outcome-based evaluations demonstrating effectiveness.

Programs used for juvenile offenders, whether court ordered or not, should be evaluated using evidence-based tools. Also, they should be responsible for cooperating in the tracking of outcomes for juveniles treated. Community-based programs should be required to report to the court when they are unsuccessful with a juvenile treated or placed according to a court order or expectation. Their methods should be scrutinized according to best practice, current research, and the principles of effective intervention. Residential programs should be enrolled in Community-based Performance Standards (CbS) or other best-practice continuous improvement strategies.

An effective quality assurance system will be efficient and non-burdensome in order to guard against inefficiency and ineffectiveness. Evaluations and reform must be conducted with an eye toward building the robust system of community-based services that Maine’s at-risk and system-involved youth desperately need.

Adolescent Brain Development

“[A]s many as a third of young people will engage in delinquent behavior before they grow up but will naturally ‘age out’ of the delinquent behavior of their younger years.”¹¹⁵ Involvement with the juvenile or criminal justice systems often impedes a youth’s successful transition to adulthood by disrupting that youth’s natural engagement with families, school, and work.¹¹⁶ Such disruption can reinforce a youth’s sense that he or she is not part of mainstream society, which can lead youth to associate only with other delinquent peers who also feel socially ostracized.¹¹⁷

Research on adolescent brain development indicates “the distinction between youth and adults is not simply one of age, but one of motivation, impulse control, judgment, culpability and physiological maturation.”¹¹⁸ “During adolescence, the brain begins its final stages of maturation and continues to rapidly develop well into a person’s early 20s, concluding around the age of 25.”¹¹⁹ “The prefrontal cortex, which governs the ‘executive functions’ of reasoning, advanced thought and impulse control, is the final area of the human brain to mature.”¹²⁰ As a result, adolescents rely heavily on the parts of the brain that house the emotional centers when making decisions and, as is commonly known, often engage in activities of greater risk.

Adolescent brain development research uses brain imaging to demonstrate the biological susceptibility of an adolescent brain to emotionally-driven, risk-taking behaviors. The imagery depicts the differences in the decision-making process of an adolescent and a mature adult. Magnetic resonance imaging scans show that adolescents use their limbic systems and amygdala, regions of the brain characterized by impulse and emotionality, to make decisions that would be decided by the prefrontal cortexes of mature adults. This phenomenon makes adolescents more susceptible to emotionally-driven and risk-taking behaviors, especially in social situations or situations of high-emotional intensity.¹²¹

The U.S. Supreme Court cited the discrepancy between the decision-making capabilities of an adult and an adolescent in its 2005 ruling to outlaw the juvenile death penalty.¹²² In his majority opinion, Justice Kennedy referred to a juvenile's "underdeveloped sense of responsibility" and susceptibility "to negative influences and peer pressure" as the basis for insulating young people from the adult criminal justice system.¹²³ The juvenile court, at its inception, was created "to rehabilitate, not to punish. No stigma was to be attached to the child, and all records and proceedings were to be confidential."¹²⁴

Disproportionate Minority Contact

National

Nationally, youth of color have a much higher chance of entering the juvenile justice system than white youth. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) uses a relative rate index¹²⁵ to calculate the number of minority youth in contact with the justice system in comparison to the number of white youth in contact with the juvenile justice system. Using the relative rate index, OJJDP determined that nationally a larger percentage of minority youth, relative to the number of minority youth comprising the general youth population, have contact with the juvenile justice system than white youth.

Maine

A changing demographic in Maine raises concerns regarding the over-representation of minority youth in Maine's juvenile justice system.¹²⁶ Data collection and surveillance has ensured with reasonable confidence that trends suggest an over representation of minority youth is present at specific levels in the more populous counties.¹²⁷ Efforts to identify and assess the overrepresentation of minority youth in the juvenile justice system are underway and do take into consideration the small number of minorities and the rural nature of much of the state.¹²⁸

The Maine Juvenile Justice Advisory Group leads Maine's Disproportionate Minority Contact initiative. This initiative is "a multi-phased, sustained effort requiring systems improvement over many years to build a juvenile justice system that is more sensitive to cultural differences."

The DMC initiative is ongoing – "the state is currently building the capacity sufficient to meet the needs of DMC reporting" by "working on multiphase, multilevel quality improvement strategies, including improving the quality assurance system, developing instructions on best practice in race/ethnicity data collection, and training of personnel in cultural sensitivity."¹²⁹ A juvenile justice system in Maine that is responsive and sensitive to cultural differences will address DMC concerns and improve outcomes for youth and communities.

Armed with the above information and after careful collaboration, research, and review, the Incarceration/Detention subcommittee of Maine's Juvenile Justice Task Force recommended that Maine set the following goals for juvenile justice system reform:

- ***Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.***
- ***Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community-based programs, and court proceedings.***

COMMUNITY-BASED SERVICES SYSTEM

Rates of secure confinement cannot decrease unless there is an effective and easily accessible system of services for juvenile offenders in the community. Community-based programs are less expensive and more effective than detention and incarceration.¹³⁰ Across America, states are shifting fiscal resources away from ineffective and expensive state institutions towards community-based services.¹³¹ In order to reduce reliance on Maine's detention centers and ensure better outcomes for youth, Maine must be committed to a continuum of community-based prevention and intervention efforts.

In Maine, youth in the juvenile justice system are held accountable for their behavior by school, police officers, Juvenile Community Corrections Officers, and through detention and incarceration. Presently, a range of obstacles limits the ability of Maine communities to respond to the needs of their juveniles. Obstacles recognized by the Community-Based Services System Subcommittee included, but were not limited to, the following: there is no plan for juvenile diversion that informs system stakeholders of what is needed, that sets funding priorities, and that assures that evidence-based and promising practices are promoted and incentivized; there is no continuum of diversion programs and placement alternatives; there is no comprehensive system of after-school programs, drop-in centers, and weekend recreational programs; transition services for juveniles experiencing poverty; family supports are inconsistently provided; homeless shelters are inadequate; and Maine lacks both adequate mechanisms for bringing local leaders together and for effective cross-system connections.

These obstacles point to three areas of improvement that, once addressed, will lead Maine naturally to a decreased use of confinement for many juvenile offenders. The critical areas for reform are: an increase in the availability of quality and cost-effective programs; straightforward and transparent access to these programs for youth in need; and increased coordination between agencies and stakeholders to better utilize resources in the service of all Maine youth.

Restorative and Balanced Juvenile Justice Framework, Office of Juvenile Justice Delinquency Prevention

Grounded in a restorative value-base, the balanced mission specifies clear goals for juvenile justice directed at meeting the traditional needs for sanctioning, rehabilitation, and increased public safety, while at the same time serving the overarching goal of restoration of victims and victimized communities. Outcomes focused on each client or customer of the system are the basis for developing new performance objectives, prioritizing programs and practices to accomplish objectives, and specifying new roles and responsibilities for juvenile justice staff, as well as for victims, offenders, and the community.

Through understanding the human impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capacities, juvenile offenders become fully integrated, respected members of the community. The core principles of the Balanced and Restorative Justice framework insists that communities, victims, and offenders must ultimately work with the juvenile justice system to develop new policies and practices based on these principles. Involving the three customers is important in its own right but is also viewed as essential to the practical and effective accomplishment of system goals.

More information is available at
<http://www.ojjdp.ncjrs.gov/pubs/implementing/balanced.html>

Availability

A sample of judges, prosecutors, defense attorneys, and JCCOs surveyed by Maine's Juvenile Justice Advisory Group said that, on average, 48% of youth detained or committed to a secure facility would be better served elsewhere.¹³² The overutilization of incarceration and detention and underutilization of community-based alternatives to detention is still a problem in Maine. "Juvenile justice system-involved youth [in Maine] are far too often separated from parents and other family members both physically and emotionally."¹³³ The Maine Department of Corrections Division of Juvenile Services¹³⁴ needs to focus its resources on more high-risk juvenile offenders but is unable to do because "the Division of Juvenile Services continues to receive a significant number of referrals on youth categorized as low-risk offenders . . . because there are limited or no effective community-based diversion programs in many communities throughout the state."¹³⁵

Only a robust continuum of community-based programs can ensure that Maine's youth receive individualized treatment appropriate to their offenses. It is imperative that Maine encourage and support the expansion and development of a broad range of community-based programs aimed at identifying and addressing factors leading to its youth's initial and continued involvement in the juvenile justice system.¹³⁶ Maine can look to research-informed and evidence-based practices to guide program creation and expansion.

Due to the expense and limited effectiveness of secure confinement, there is a nation-wide trend to redirect funds from residential facilities to smaller, research-guided, community-based services.¹³⁷ Of 443 studies that were conducted about the juvenile justice system, 63.4% of them reported that youth who received interventions that featured community-based treatment were less likely to recidivate than their peers who were not given such an intervention.¹³⁸ Problems including increased recidivism rates, peer contagion, high costs, and adverse effects on mental health have all fueled the movement away from secure confinement to community-based individualized treatment services.¹³⁹

The development and maintenance of a community-based services system is a necessary prerequisite to a reduction in reliance on secure confinement. In order for that system to provide cost-effective and outcome-based improvements, however, the programs that are developed and supported must rely on sound research and follow emerging and proven principles of good practice. A study by the Washington State Institute for Public Policy reported that every \$1.00 spent on county juvenile detention systems saw a positive return, in terms of savings due to reduced crime, of \$1.98.¹⁴⁰ Using the same algorithm, the Institute found certain evidence-based practices to yield a much greater return in fiscal savings and increased safety.¹⁴¹ Functional Family Therapy, a family-based intervention program, returns \$6.81 for every dollar spent, and Multi-Systemic Therapy produced \$13.36 in savings for every dollar spent.¹⁴²

Positive Youth Development

In addition to utilizing best practices and evidence-based programs, a fundamental shift in the approach to treatment and juvenile justice will have the effect of reducing the need for secure confinement and improving long-term outcomes for juveniles.¹⁴³ Rather than the typical binary of punishment or treatment, a third approach can address the delinquency of adolescents who do not have significant substance abuse or mental health issues.¹⁴⁴ The Positive Youth Development model addresses this need. Rather than treating youth with deficit-focused services and interventions, strategies that employ principles of Positive Youth Development (PYD) focus on building youth resilience and encouraging positive development in the face of risk-factors and adversity.¹⁴⁵

In opposition to the claim that most juveniles involved in delinquent acts suffer from mental health and substance use problems, recent research reveals that less than half of youth referred to a juvenile probation intake department have any diagnosable disorder.¹⁴⁶ When mental health and substance use issues are identified, they are more likely a result of the economic and social conditions of the youth's home environment and therefore are not effectively treated by isolated therapeutic interventions.¹⁴⁷ Positive youth development is a comprehensive approach that works first to fill in the gaps in a youth's social environment, draw upon natural supports, and to build in adolescents the qualities that mitigate tendencies toward risk-taking or delinquent behaviors. Positive youth development signals a fundamental shift away from the deficit-focused treatment of juvenile problems to the positive, asset-focused, promotion of healthy adolescent development.¹⁴⁸

Scientific support has also brought PYD to the forefront of reform efforts. An extensive report by National Research Council and Institute of Medicine details the overwhelmingly positive results of a whole range of programs that promote PYD.¹⁴⁹ The improvements documented by various experimental evaluations include decreased aggressive behaviors, increased grade point averages, declines in school absence, high social learning abilities, lower rates of alcohol and other substance abuse, and higher rates of self-control and problem solving abilities.¹⁵⁰

Wraparound

There are times when a juvenile is in need of more extensive services or has significant multi-system involvement and cannot be adequately served solely with community programming. In such cases, the majority of these juveniles could be ideally served through a comprehensive net of services delivered according to the wraparound treatment model. This best practice "is a family-centered, community-oriented, strengths-based, highly individualized planning process that relies on a balance of formal and informal, or natural, supports to help children and families achieve important outcomes while they remain, whenever possible, in their homes and communities"¹⁵¹.

The Maine Wraparound Initiative utilizes the research and guidelines established by the National Wraparound Initiative. NWI was established out of a proliferation of the wraparound

approach being used as a preferable alternative to residential treatment. The principles guiding wraparound interventions include familial involvement in all stages of the process, plans based on an interagency, community-based collaborative process, and the availability of adequate and/or flexible funding¹⁵². Wraparound is a unique blend of community-driven treatment that draws upon direction from a national model and is held accountable on both local and state levels.

Currently, nine Wraparound sites have been established across Maine. These sites work with state agency staff, contracted local agencies, families, and community stakeholders to serve an average of 20 high-needs youth per site. According to an evaluation report from February, 2009, on average, youth were discharged after 195 days with around \$3,000 of flex funds having been spent on their treatment services¹⁵³. This contrasts drastically with the OJJDP 2008 report that estimates \$412 per day is spent on a youth in a secure detention facility in the state of Maine¹⁵⁴, putting the cost of a 195 day stay at over \$80,000. In addition to the potential cost savings, wraparound sites in Maine have shown positive outcomes in improved youth functioning and increased likelihood of youth returning to or remaining in their community of origin¹⁵⁵. By expanding the Maine Wraparound Initiative, Maine could see reliance on secure facilities decrease without heavy fiscal impositions or the sacrifice of community or youth safety.

Access

In addition to a wide-range of programs that rely on contemporary best practice and research-guided approaches, access to services for juveniles must be improved. While

Milwaukee Wraparound

Wraparound Milwaukee is a unique type of managed care entity. Initiated in 1995, its primary focus is to serve children and adolescents who have serious emotional disorders and who are identified by the Child Welfare or Juvenile Justice System as being at immediate risk of residential or correctional placement or psychiatric hospitalization. Wraparound Milwaukee serves an average enrollment of 570 youth and their families.

A combination of several state and county agencies, including the Bureau of Milwaukee Child Welfare, the County's Delinquency and Court Services, Behavioral Health Division, and the State Division of Health Care Financing who operates Medicaid, provide funding for the system. Funds from the four agencies are pooled to create maximum flexibility and a sufficient funding source to meet the comprehensive needs of the families served. Part of the County's Behavioral Health Division, Wraparound Milwaukee oversees the management and disbursements of those funds acting as a public care management entity.

Wraparound Milwaukee contracts with nine community agencies for the approximately 72 care coordinators who facilitate the delivery of services and other supports to families using a strength-based, highly individualized Wraparound approach. Wraparound Milwaukee has also organized an extensive provider network of 204 agency and individual providers that can offer an array of over 80 services to families. A Wraparound Milwaukee operated Mobile Urgent Treatment Team ensures families have access to crisis intervention services.

Wraparound Milwaukee involves families at all levels of the system and aggressively monitors quality and outcomes. It operates from a value base that emphasizes building on strengths to meet needs; one family-one plan of care; cost-effective community-based alternatives to residential treatment placements, juvenile correctional placement as appropriate, and psychiatric hospitalization; increased parent choice and family independence; and care for children in the context of their family and community.

More information is available at
<<http://www.milwaukeecounty.org/WraparoundMilwaukee7851.htm>>

there are many programs throughout the state that focus on prevention of juvenile crimes, one of the most critical components of any effective juvenile justice system is the ability to quickly and effectively respond to a juvenile in crises. Having trained professionals with the appropriate tools at their disposal to deal with troubled kids is vital to the success of any system. “Maine is fortunate to have a well-trained and effective cadre of professional Juvenile Community Corrections Officers (JCCO). Unfortunately, the resources that JCCOs have available when a juvenile is in crises are oftentimes inadequate to permit the JCCO to effectively deal with the situation. Further, some of the most critical resources are oftentimes lacking, and vary greatly by geographic region.”¹⁵⁶

A detailed map of services and resources is essential to the adequacy and timeliness of system response and the effective treatment of juveniles. With this tool, judges, attorneys, JCCO’s, and other juvenile advocates can easily see what services are available for a particular youth, and agency officials and service providers can see where there are gaps in services that need to be filled. Also, barriers to program access will be more easily identified on a map and can then be addressed. The Community-Based Services Subcommittee suggests accomplishing this through the use of a Sequential Intercept Model (SIM). Through a collaborative process, the existing system and resources are mapped out, gaps are identified, and actions to address those gaps are immediately and collaboratively executed [see Appendix A].

Eligibility Guidelines

Although research suggests the most effective services are administered in a youth’s home community, there are situations when a residential placement is needed for a juvenile for any length of time. In those cases, whether due to an unsafe home situation or the severity of the juvenile’s behavior, a safe and healthy placement must be readily available and easy to access. Currently, in Maine, much work is needed around expanding the range of out-of-home placement options and facilitating a youth’s access to those options. Currently, admission to all Private Non-Medical Institutions funded through the State’s Office of MaineCare Services requires the Intensive Temporary Residential Treatment (ITRT) process. This requirement prohibits many youth without an Axis 1 diagnosis according to the fourth Diagnostic Statistical Manual (DSM IV) from accessing these important residential placements.

The result of eligibility barriers to MaineCare funded services is the increasing lack of access to important community-based in-home and out-of-home services. Some youth in the juvenile justice system need to be removed from their home of origin for at least some period of time and yet their offenses and circumstances do not merit placement in a secure detention facility. For these youth, Maine must find alternate ways of funding out-of-home services. In a number of cases youth are required to have a DSM IV Axis-1 mental health diagnosis to obtain services such as access to a case worker or placement in certain residential programs. This leads to long-term stigmatization and is indicative of a persistent problem of fitting youth into existing programs rather than creating and funding programs that are designed to meet the needs of youth¹⁵⁷. The reliance of MaineCare funds on these sorts of restrictive eligibility guidelines and

medical necessity frameworks may have contributed to the recent closings of residential programs that were suffering from underutilization while youth who could have greatly benefitted from their services were bureaucratically excluded.¹⁵⁸

Collaboration

The Community-Based Services System Subcommittee recognized that there is a fundamental lack of coordination, collaboration, and cohesiveness between and among Maine's community-based services. Another gap in communication lies between these agencies and the officials charged with helping youth access services. A 2008 survey of police departments throughout Maine revealed that the most common penalty for a first-time illegal substance offense was a summons to court. Thirty-right responding police departments cited a court summons as the typical consequence of a first-time illegal substance offense, while only sixteen named Education/Diversion programs as a typical response.¹⁵⁹ Considering these are non-violent, first-time offenses, diversion programs would be preferable to a court summons. Getting high-quality diversion programs into the hands of the JCCO's through agency collaboration and communication can keep many youth out of the juvenile justice system each year.

- ***By September 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Dropout Prevention Summit.***
- ***By September 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible.***

[Legislation regarding these goals has been passed. See Appendix B]

FUNDING

The Juvenile Justice Task Force recognized the centrality of funding issues in all of its recommendations for reform. The three subcommittees were particularly concerned with the following: guidelines that restrict the access to and use of funds by agencies and programs, which often cause pervasive obstacles to the adequate and effective provision of services;¹⁶⁰ funding silos that preclude the transfer of resources to where they will be best utilized; and funding challenges that Maine faces due to its rural character.¹⁶¹ Maine must alter its current funding mechanisms to succeed in keeping more youth at home, in reducing the number of youth incarcerated, in promoting better outcomes for young people moving through its systems, and in reaping significant savings for its taxpayers.¹⁶²

To fulfill the imperative of increased funding for community-based services, the three subcommittees of the Task Force generated the following goal:

- ***By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.***

IMPLEMENTATION

- **Form a Juvenile Justice Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts.**

The Juvenile Justice Task Force

Co-Chaired by: Chief Justice Leigh Saufley of the Maine Supreme Judicial Court; Dean Peter Pitegoff of the University of Maine School of Law; and First Lady Karen Baldacci, Chair of the Governor's Children's Cabinet

Recommendations Document

June 2010

“Maine cannot afford to lose one more of its young people to prison and jails, to homelessness, to hopelessness.”

--Chief Justice Leigh Saufley

JUVENILE JUSTICE TASK FORCE GOALS

- Establish a statewide goal to achieve a 90% high school graduation rate by 2016 and 95% by 2020.
- By 2011, implement uniform statewide suspension, expulsion, zero tolerance, and truancy policies.
- By 2014, increase by 50% the number of children and youth in Maine who have access to quality early childhood education, proven prevention strategies throughout adolescence.
- Create multiple pathways for educating children and youth by working with the Department of Education in their development of a strategic plan.
- Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.
- Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.
- By September of 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Dropout Prevention Summit.
- By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible.
- By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.
- Form a Juvenile Justice Task Force Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts.

A COLLABORATIVE APPROACH TO TRANSFORMING MAINE'S JUVENILE JUSTICE SYSTEM

I. Education

Leaving school is the single most significant predictor of negative youth outcomes. Youth who leave school are twice as likely to be unemployed, three times as likely to live in poverty, twice as likely to become the parent of a dropout, and more likely to end up in prison.¹⁶³ In Maine, 21 students in grades 9 through 12 drop out of school daily during the academic year.¹⁶⁴ These disengaged youth are at a higher risk of entering Maine's justice systems—54.1% of adult prisoners in Maine (for whom education data is available) had less than a high school education, 11.1% had less than a 9th grade education.¹⁶⁵ Furthermore, across the country, every youth who drops out of school costs the nation \$292,000 over his or her working life.¹⁶⁶ Maine's Governor John Baldacci recognized the importance of high school completion, stating in his America's Promise Alliance pledge to "convene leaders from my state to commit to working together until all the young people in Maine graduate from high school ready for college and work."¹⁶⁷ Recognizing the tremendous impact a successful educational outcome has on all areas of an individual's life, the Education Subcommittee of Maine's Juvenile Justice Task Force drafted the following goal:

- 1. Establish a statewide goal of 90% high school graduation rate by 2016 and 95% by 2020.** [Legislation regarding this goal has been passed. See Appendix B]

Strategies to achieve this goal include:

Strategy	Parties Responsible
1. Support legislation to establish in statute that a 90% high school graduation rate will be achieved by 2016. Legislation has been introduced for consideration during the 2010 legislative session.	State Board of Education; Department of Education; Legislators
2. Examine the efficacy of raising the mandatory age of school attendance from 17 to 18 years of age.	Task Force Stakeholders' Group
3. Establish an award for school administrative units which provide evidence of successful implementation of a Dropout Prevention Plan written by a Dropout Prevention Committee as provided for in Title 20A Chapter 211 Section 5102	Shared Vision Youth Council; Education Subcommittee in conjunction with the Truancy, Dropout and Alternative Education Advisory Committee to the Education Commissioner; School Administrative Units; Children's Cabinet
4. Support the Truancy, Dropout and Alternative Education Advisory Committee strategic planning goal to develop a training video (webinar, etc) and templates to aid SAU's in establishing Dropout Prevention Committees and carrying out supportive strategies.	Truancy, Dropout and Alternative Education Advisory Committee; Shared Youth Vision Council; Juvenile Justice Task Force; Education Subcommittee
5. Solicit a monetary award from businesses, foundations, America's Promise Alliance partners for the annual progress award.	Shared Youth Vision Council; Education subcommittee; Juvenile Justice Education

In Maine and across America, zero-tolerance policies, which stem from the Gun Free Schools Act in 1994,¹⁶⁸ have expanded in scope despite evidence that refutes their effectiveness.¹⁶⁹ These policies have the adverse effect of penalizing all prohibited actions equally without regard for the severity of the incident, the individual, or the circumstance.¹⁷⁰ Unlike other states, which recommend suspension or expulsion in cases of deliberate disobedience or deliberate disorder, Maine's zero-tolerance policies recommend only expulsion in such cases.¹⁷¹ "Although arguably well intentioned, zero tolerance disciplinary policies along with suspensions and expulsions for poor attendance, truancy, or disciplinary infractions, often result in students being *pushed-out* of school or more subtly, not encouraged to remain in school."¹⁷² The links that can be drawn between zero-tolerance and truancy policies, lack of school completion, and justice system involvement led the Education Subcommittee to develop the following goal:

- 2. By 2011, implement uniform statewide suspension, expulsion, zero tolerance, and truancy policies.** [Legislation regarding this goal has been passed. See Appendix B]

Strategies to achieve this goal include:

Strategy	Parties Responsible
1. Establish a stakeholders group to study and make recommendations on items requiring rulemaking and/or statutory changes.	State Board of Education; Department of Education; Stakeholders; Legislators; Juvenile Justice Task Force; Interested parties; Juvenile Justice Advisory Group; Truancy, Dropout and Alternative Education Committee; Education groups; Parents; Department of Corrections; School Districts
2. Establish guidelines for suspension and expulsion-notification, hearing, time frames, plan for provision of educational and supportive services, pathways to reinstatement, and alternatives to suspension/expulsion.	
3. Examine zero tolerance policies	
4. Examine truancy laws to provide best practices to schools, families and youth.	
5. Provide legal representation for children facing wrongful suspension and/or expulsion.	Maine Commission on Indigent Legal Services

In his *2006 State of the State Address*, Governor John Baldacci iterated that “people who have quality early care and education have better opportunities for success.”¹⁷³ “High quality, inclusive early care and education improves every child’s readiness for school, families’ ability to work productively and the state’s economic development goals,”¹⁷⁴ yet still, every year from 2000-2008, approximately two-thirds of Head Start eligible children in Maine were not enrolled in a Head Start Program.¹⁷⁵ In consideration of the known benefits of a quality system of early education and care, the Education Subcommittee recommends the following:

- 3. By 2014, increase by 50% the number of children and youth in Maine who have access to quality early childhood education and proven prevention strategies throughout adolescence.**

Strategies to achieve this goal include:

Strategy	Parties Responsible
1. Support universal four-year-old programs (preK).	Department of Education; Children’s Cabinet
2. Support current plans toward establishing early childhood education prevention efforts that begin with pre-natal care and significantly engage parents, families, and communities.	
3. Support the establishment of small class sizes as developmentally appropriate for individual grades K, 1, and 2 to maintain a balanced ratio in favor of early grades.	Juvenile Justice Task Force; Department of Education; School Administrative Units
4. Examine current state statute Title 20A section 4502, 5, which maintains school wide averages of 25 to 1 for K-8, 30-1 for grades 9-12.	
5. Ensure that children have access to health screenings, vaccinations, and other preemptive healthcare options.	Department of Health and Human Services; Public Health Agencies; School Departments
6. Ensure that parents have access to evidence-based/ evidence-informed community level education and support programs to improve parent’s capacity, strengthen families and reduce the risk of child maltreatment.	Department of Health and Human Services, Child Abuse and Neglect Prevention Councils, Maine Children’s Trust
7. Support non-profit and private agencies, communities, and families in their efforts to engender Positive Youth Development concepts.	

Ensuring that every youth in Maine completes high school and has access to post secondary education or meaningful employment are major factors in preventing a youth from entering the juvenile justice system. Nontraditional methods of teaching and learning are recognized by the Education subcommittee as important components of a system that effectively engages a broad number of students and facilitates their educational success. In this vein, the Education subcommittee recommends the adoption of the following goal:

4. Work with the Department of Education in 2010 to formulate a plan that will create multiple pathways for educating children and youth.

Strategy	Parties Responsible
1. Support multiple pathways for children and youth which value and respect differentiated learning styles and educational needs.	Department of Education (ongoing efforts, LD 1325); Juvenile Justice Task Force members
2. Support individualized personal learning plans for all children and youth K-12. Develop a flexible funding mechanism where funds follow the student even when their personalized learning plan takes them out of the traditional school setting.	
3. Support increased online and other not building-bound school and community based educational opportunities for credit and work recognition for students	

I. Incarceration/Detention

Although the number of juvenile arrests has been decreasing, the number of indeterminate commitments to Maine's two juvenile youth development centers has increased by 33% over the past three years.¹⁷⁶ On January 1, 2006, according to the Department of Corrections, 121 juveniles were committed to Maine's youth development centers.¹⁷⁷ By July 1, 2009, that number had increased to 161 juveniles.¹⁷⁸ This increase in commitments occurred in the face of growing national research that shows that most juveniles can be served less expensively and more effectively in community-based settings.¹⁷⁹ In fact, the research suggests that "the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety."¹⁸⁰

The Juvenile Justice Task Force's Incarceration and Detention subcommittee, composed of a district court judge, juvenile prosecutors and defense attorneys, professionals from the Department of Corrections, and a national research consultant, drafted the following principle to guide and structure their work: "In most cases involving detention and in some cases involving commitment, the safety of the community and the juvenile can be adequately protected through the use of highly structured, effective community-based initiatives including: family intervention and support programs, foster homes, short term residential and crisis placements, and mental health and substance abuse services." The consensus that many of the juveniles that end up detained or committed to a secure state facility could be less expensively and more effectively treated in the community led to the subcommittee's first goal:

5. Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.

This goal can be worked towards within the Department of Corrections, but its success relies heavily on the availability of effective community-based services.

Department of Corrections Strategies	Parties Responsible
1. Develop a plan to reduce the number of girls committed to the Long Creek Youth Development Center by 50% by June 2011. This strategy is contingent upon the availability of adequate alternatives to detention along with the development of placement and treatment options serving as effective alternatives to commitment.	Department of Corrections
2. Enhance 24/7 crisis response teams or protocols that are equipped with program and placement options, research-based assessment tools, well-trained case managers, and access to other service professionals.	Department of Corrections
3. Provide all juveniles (not only those with an Axis I diagnosis) with case management services that systematically incorporate wraparound principles that ensure the attendance of representatives from state agencies, school district representatives, the family, and family supports at wraparound services meetings.	Department of Corrections
4. Provide all youth leaving secure facilities, after any length of stay, with comprehensive aftercare and reintegration	Department of Corrections

programs that are aligned with facility-resources and involve the family, community, school, justice system, and local supports to ensure a smooth transition from the highly structured facility environment back into society. In this process, begin appropriate family services (MST, FFT) before the juvenile returns from any period of out-of-home placement.	
5. Examine the efficacy of programs which involve the judiciary in the process of assuring that a juvenile receives the necessary services.	Court System; Department of Corrections; Juvenile Justice Advisory Group
6. Develop a process to identify those juveniles who are not competent to stand trial and create a clear and accessible system to manage juveniles found not to be competent, recognizing the needs of the juvenile and the risks to the community.	Department of Health and Human Services; Department of Corrections
7. Youth in the process of competency determination should be placed in an alternative setting, separate from general Youth Center detainees.	
8. Integrate secure facilities with community-based programs through information-sharing protocols and other means of collaboration.	Department of Corrections
9. Encourage local governments and municipalities to promote local communication and collaboration with stakeholders in the Juvenile Justice System through the establishment of planning, advocacy, and oversight groups that include professionals, juvenile justice system-involved youth, and concerned citizens.	Department of Corrections; Legislature
10. Continue assessment of disproportionate minority contact in the juvenile justice system. Make community education and detention alternative programs gender and ethnically responsive.	Juvenile Justice Advisory Group

The Incarceration/Detention Subcommittee also recognized that to achieve the goal of reducing detention and commitment, it will be necessary to expand several existing programs and establish new evidence-based practices. Placing juveniles in the least restrictive settings that balance the interests of public safety and the best interests of the juvenile is an essential building block that will spur the growth of new programs. Thus, the Incarceration/Detention subcommittee outlined strategies toward building the sort of community-based system that is essential to reducing reliance on secure facilities.

Integrated and Community-Based Strategies	Parties Responsible
11. Capitalize on existing community strengths by expanding effective community-based services, and other programs that rely on natural relationships with adults in the community. Highlight programs that include mentoring, Restorative Justice, and natural pro-social relationships.	Juvenile Justice Advisory Group; Restorative Justice Project; Community-Based Agencies
12. Utilize positive youth development principles in the creation of all residential options, including those which do not require proof of medical necessity, and community-based services and programs.	Children's Cabinet; Community-Based Agencies
13. Enhance ability of natural supports, local community resources, and supported kinship care as alternatives to	Department of

detention/commitment.	Corrections; Community-Based Agencies
14. Improve the retention and completion rates of youth in schools, treatment programs, and residential placements. All programs shall demonstrably employ effective behavioral management practices that rely on the principles of Collaborative Problem Solving or other proven developmentally appropriate cognitive skill-teaching methodologies.	Department of Health and Human Services; Department of Corrections; Community-Based Agencies
15. Expand foster care options for youth involved in the juvenile justice system. A joint program with DHHS that makes selected foster care homes available on a voluntary and short-term basis for adolescents in juvenile justice system needs to be created. Increase number of Multi-Dimensional Treatment foster care placements.	Department of Health and Human Services; Department of Corrections
16. Secure rapid alternative subsequent placement for youth who are removed from a prior DHHS placement.	
17. Support local services for nonviolent juvenile offenders, through the use of Innovative Community Grant Awards or other sustainability-minded incentives including the recruitment of community volunteers to serve as “family resources centers” (c.f. CEOJJC) to provide youth with safe and skilled supervision on an as-needed basis.	Department of Corrections; Private Foundations
18. Ensure that placement decisions are made according to identified risks and needs of the juvenile justice client and that placements reflect a collaborative effort between parties in the juvenile justice system and state agencies and service providers.	DOC; DHHS; Court System; Community-Based Agencies
19. Examine DHHS occupancy data, including Medicare-funded and non-Medicare-funded beds, to determine whether there is a shortage of beds and whether the availability of residential beds meets the needs of youth awaiting placement.	
20. Revise Children’s Behavioral Health Services/Department of Health and Human Services/Department of Corrections guidelines for behaviorally required residential placements in order to increase the number (capacity) of temporary residential and crisis placement options that do not require the Intensive Temporary Residential Treatment process, reviewing and removing, where necessary, the current medical diagnostic prerequisites.	Department of Corrections; Department of Health and Human Services
21. Improve the consistency, timeliness, and accuracy of front-end functional behavioral assessments, including asset and needs assessments that can be used for decision making and case management.	
22. Require comprehensive research-based assessments for juveniles with serious mental health needs, including substance abuse and trauma, and/or developmental disabilities.	

Not only does detention and incarceration negatively affect juveniles’ mental and physical well-beings, future earning abilities, educational opportunities, and rates of recidivism, but it also costs states more than community-based alternatives to detention that can better curb crime and recidivism. States across America spend an estimated \$5.7 billion each year imprisoning approximately 93,000 juveniles.¹⁸¹ Maine spends over \$65,500 per day on the incarceration of juveniles.¹⁸² These costs are incurred despite the fact that community-based alternatives to detention can be both more cost-effective and more successful in protecting public safety— “[t]he most effective programs at reducing recidivism rates and promoting positive life outcomes for youth are administered in the community, outside of the criminal or juvenile justice systems” and

“community-based programs for youth are more cost-effective than incarceration”—at times reaping \$13 in benefits to public safety for every dollar spent.¹⁸³

To ensure that a community-based detention alternative will save money, improve youth outcomes, and maintain public safety, it is necessary that all programs and placements used for high and medium risk juvenile justice clients be rigorously evaluated using evidence-based methods and periodically monitored and improved. In addition to community-based alternatives, court proceedings also must be held to a higher standard in terms of efficiency and high quality measurements. The following goal was developed by the Incarceration/Detention Subcommittee to fulfill this need.

6. Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.

Strategies	Parties Responsible
1. Create incentives for programs that demonstrate positive outcomes and provide mechanisms for providers to adopt new research-guided programs, treatment and practices over time.	Department of Health and Human Services; Juvenile Justice Advisory Group; Department of Corrections
2. Evaluate all programs used for juvenile offenders, including residential programs, using research-guided client outcome tools. (Community-based performance, performance-based standards, or other best-practice continuous improvement evaluation strategies, such as the Correctional Program Assessment Inventory, should be implemented).	
3. Support current efforts by Department of Health and Human Services, Department of Corrections, and the Juvenile Justice Advisory Group to rigorously evaluate the effectiveness of programs and placements.	Department of Health and Human Services; Department of Corrections; Juvenile Justice Advisory Group
4. Develop and implement a mechanism for information-sharing and program accountability, including the requirement that programs cooperate in the tracking and reporting of outcomes for treated juveniles, including engagement, retention, program completion, six months recidivism rates, and positive youth development enhancements. Explore the development of a local juvenile justice collaborative to assist in these efforts.	Department of Corrections; Juvenile Justice Advisory Group
5. Establish a single clearinghouse that has immediate information as to the availability of programs within a continuum of care on a statewide basis. This information should be made available on a secure website, in real time, to all parties in the juvenile justice system, including juvenile justice correction officers, prosecutors, defense counsel and courts. The continuum of care shall include effective, research guided care that ranges from initial contact to comprehensive aftercare and includes diversion programs, residential programs and other alternatives to secure confinement.	Court System; Department of Corrections; Department of Health and Human Services
6. Provide judges with timely, objective and relevant information about the risks, needs and circumstances of juveniles,	Department of Health and

along with available research-guided options and resources, in a manner consistent with state and federal regulations.	Human Services; Department of Corrections
7. Develop minimum standards for competency and certification that include juvenile law, adolescent mental health issues, adolescent brain development, positive youth development, trauma, asset building, and research-guided correctional risk-reduction principles and strategies for juvenile defense counsel, juvenile prosecutors, JCCOs and GALs assigned to juvenile justice-involved youth.	Court System; Department of Corrections; Maine Bar Association
8. Expedite the release or court processing of pre-adjudicated and detained juveniles. If no conditional right to release from detention has been authorized, a detention review, focusing on the purposes and criteria for detention and taking into account behavior while in detention along with identified recommended community alternatives, should be explored at approximately 20 working day intervals pending adjudication. If the juvenile has multi-agency involvement, all agencies involved should be expected to report to the court in-person, to the fullest extent possible.	Court System; Department of Corrections
9. According to a chosen method of economic analysis, sustain and expand proven cost-effective community-based programs, regardless of high initial costs. A funding mechanism should be established for such community-based programs that have been shown to have positive cost-benefit ratios using an accepted longitudinal tracking methodology.	Department of Corrections; Juvenile Justice Advisory Group

II. Community-Based Services Systems

The work of the Task Force highlighted the need for a robust and integrated community-based system of services for youth who are involved in the juvenile justice system. In Maine, youth are held accountable for their behavior by schools, police officers, Juvenile Community Corrections Officers, detention, and incarceration. A range of obstacles limit the community responsiveness to juveniles, placing increasing reliance on the juvenile justice system, especially detention and incarceration. The Community-Based Services Systems Subcommittee recognizes the need to improve and develop Maine's community-based services system to create more effective, expedient, and developmentally appropriate programming at less cost. Due to the rural of nature of Maine, a community-based service delivery system is vital to ensure all youth with adequate service provision. Thus, the Community-Based Services System Subcommittee developed the following goal to address the way services are accessed and coordinated across the state:

7. By September of 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Maine Dropout Prevention Summit. [Legislation regarding this goal has been passed. See Appendix B]

Strategies to create and maintain an effective service delivery body include:

Strategy	Parties Responsible
1. Support ongoing efforts to establish district coalitions across agencies to provide better communication, referral, and provision of services	Children’s Cabinet; Shared Youth Vision Council
2. Appoint a Regional Planning team to review current structures across agencies and to recommend an operating structure.	
3. Catalogue what exists now for services, after-school, mentoring, and other programs to ensure full utilization and to identify resource needs and increase these opportunities	Shared Youth Vision Council; Dept. of Education; Maine Afterschool Network
4. Develop a comprehensive system of after-school programs, drop-in centers, and weekend recreation programs that are easy to access.	Children’s Cabinet; Shared Youth Vision Council
5. Develop best practices and consistent, state-wide implementation for juvenile diversion programs	
6. Support pilot projects where local solutions can be implemented and evaluated	
7. Expose community leaders to efforts that are making a difference	
8. Engage community leadership to develop programs and projects that would focus on high needs youth of all ages.	Shared Youth Vision Council; Dept. of Education; Maine Afterschool Network; Children’s Cabinet
9. Develop a cross-silo infrastructure that promotes service integration	
10. Create a mechanism that will identify youth with frequent system contact and facilitate their access to effective interventions	Department of Corrections
11. Develop a statewide and regional protocol that flags youth with frequent system contact and requires implementation of a strategic plan that can meet their needs	
12. Improve tracking and coordinated services for multi-agency involved youth or youth repeatedly in contact with the system.	
13. Collect data on trans-institutionalization as juvenile services are reduced and more youth enter the juvenile justice system. Identify all youth not living in a family. Use that data to create policy change.	

In addition to collaborative models of service delivery, the community-based services in Maine must be expanded and developed to meet current need, reflect the most recent research, and incorporate best practices. A recurring observation that emerged from the Task Force’s work was the lack of cohesion between programs, which leaves even highly-effective services without access to emerging research and supportive funds. Even the most well-conceived programs are at risk of closing due to insufficient usage or unsustainable funding sources. By coordinating the system of community-based services and holding those services to high standards of efficiency and effectiveness, youth across Maine will better access to: a

continuum of diversion programs and placement alternatives, a comprehensive system of after-school programs, drop-in centers, weekend recreational programs, transition services, and family supports. To meet this end the following goal was developed:

8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible. [Legislation regarding this goal has been passed. See Appendix B]

Strategy	Parties Responsible
1. Support legislation encouraging state agencies to draft a comprehensive map of available programs, placements, and services	Juvenile Justice Task Force; Shared Youth Vision Council
2. Build a system that is based on research-guided programs, data analysis, and Blueprint programs	Department of Health and Human Services; Department of Corrections
3. Create incentives for the expansion and continuation of programs that are effective	
4. Require fidelity to proven models and fund them adequately	
5. Build a system that is data driven and outcome based, rather than based on unit of service.	
6. Expand existing family supports, coordinate access to these supports, and inform every family	
7. Work with the federal government to use the Runaway and Homeless Youth Act	Transition Council; Department of Corrections
8. Identify and address service gaps at points of transition	
9. Require realistic comprehensive transition plans for all juveniles 12 months before they leave the Juvenile Justice or Child Welfare systems. Recognize special subsets to make sure the directives of the Individuals with Disabilities Education Act are met. Make sure plans include housing, school, transportation, and other resources that must be in place if they are to succeed	Department of Corrections
10. Facilitate and support a juvenile's independent identification of relationships that serve as familial surrogates (i.e. a friend's house, a teacher, an uncle, etc.)	
11. Address the issue that committed and detained youth sometimes do not have visitors for months or years (leading to poor outcomes, recidivism, and loss of community) by developing a plan to meet these needs via outreach to families and the use of mentors and kinship relations	
12. Develop a rapid-response plan that creates local response teams to meet the needs of a family recently involved in domestic violence	Children's Cabinet; D.V. Council; Child Protection; Family support programs
13. Engage the domestic violence community to help develop effective strategies and responses with outcomes to help specifically address youth who commit and/or witness domestic violence.	

III. Funding

The Juvenile Justice Task Force recognizes the centrality of funding issues in all of its recommendations for reform. The three subcommittees are particularly concerned with the following: guidelines that restrict the access to and use of funds by agencies and programs, which often cause

pervasive obstacles to the adequate and effective provision of services;¹⁸⁴ funding silos that preclude the transfer of resources to where they will be best utilized; and funding challenges that Maine faces due to its rural character.¹⁸⁵ Although a shift to dependence upon highly responsive and evidence-based community services will save resources, the reforms and ultimate savings are not possible without a restructuring of how funds are allotted and controlled. To fulfill the imperative of increased funding for community-based services, the three subcommittees of the Task Force generated the following goal:

9. By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.

The execution of these goals begin by **supporting legislation that calls for the Department of Corrections to design and implement, by December 2010 and using existing resources, two demonstration projects that utilize a capitated funding model to provide services for youth who are in or at risk of entering the juvenile justice system.** [Legislation regarding this goal has been passed. See Appendix B]

Other strategies that will enhance the use of flexible funding and eliminate funding barriers to needed services and placements include:

Strategy	Parties Responsible
1. Support pilot projects and all possible funding strategies that make better use of resources and reduce inefficiencies	Children's Cabinet; DOC; Juvenile Justice Advisory Group
2. Examine cross-system mechanisms to share or braid funding.	
3. Develop policy guidelines to address the problems of treatment funding through the elimination of funding barriers and/or the allocation of flex funds to bridge gaps in services.	DOC; Department of Health and Human Services
4. Revise and reallocate funding, specifically categorical funding, to allow for more flexibility ensuring planned access to necessary out-of-home temporary placements, and planned transitions from those placements. Utilize resources from the public, private, and non-profit sectors.	Department of Corrections; Department of Health and Human Services; Private Foundations
5. In rural areas, explore creative methodologies to expand access to services, using pooled resources, or shared programs and placements that address the needs of their local juvenile justice community.	Department of Health and Human Services; Department of Corrections
6. Address funding barriers, either due to insurance nonpayment or diagnostic requirements and expand services that are not resource-dependent.	Department of Corrections
7. Use ideas proposed by researchers, such as Dr. Dennis Embry and the Paxis Institute's Evidence Based Kernels that can be implemented without the need for new fiscal resources.	Children's Cabinet
8. The use of private health insurance funds should be maximized whenever possible, using state funds to augment those funds if gaps in or barriers to needed services are identified.	Department of Health and Human Services; Department of Corrections

9. Increase ability to serve youth who are able to obtain funding outside of MaineCare options.	Department of Corrections
10. Ensure that the two Youth Development Centers have appropriate funding levels to provide educational and support services, including online courses along with transitional educational aftercare services. Resources need to be maintained to ensure academic and correctional system standards to maintain school approval, accreditation and top rankings in national accreditation and performance-based outcomes.	Department of Corrections
11. Ensure that savings resulting from decreased incarceration remain in juvenile justice funding for the enhancement of Juvenile Justice Task Force recommendations.	Department of Corrections; Legislature
12. Investigate the use of Federal Title IV-E funds for community-based services geared towards juvenile justice system involved youth.	Department of Health and Human Services; Department of Corrections

V. Implementation

In order to create lasting change, a mechanism must be put into place to further the work of the Juvenile Justice Task Force and spur on meaningful reform initiatives. This staffed committee will coordinate efforts between partnering groups and agencies in order to carry out the recommendations put forth by the Juvenile Justice Task Force and ratified by stakeholders across the state.

Goal 10: Form a Juvenile Justice Task Force Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts. [Legislation regarding this goal has been passed. See Appendix B]

The goals stated above constitute an actionable blueprint for effective juvenile justice reform. These goals, along with their related strategies, are meant to guide stakeholders toward a model of juvenile justice in Maine that saves money, better manages important services and resources, and boasts improved outcomes for all Maine youth.

APPENDIX A (from the Juvenile Justice Task Force Sub-Committee on Community-Based Services)

Sequential Intercept Map—The GAINS Framework

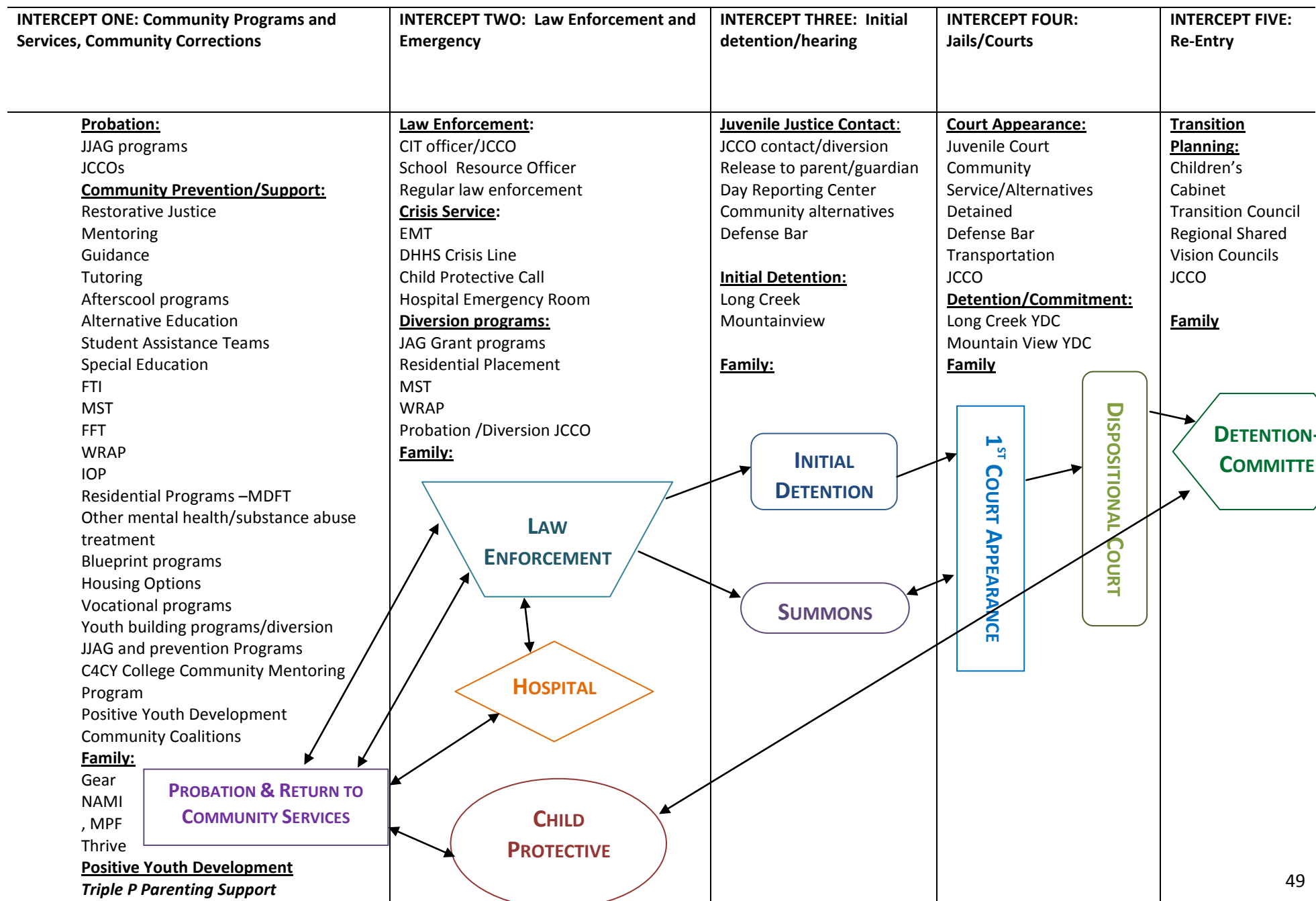
The Center for Mental Health Services (CMHS) National GAINS Center has operated since 1995 as a national locus for the collection and dissemination of information about effective mental health and substance abuse services for people with co-occurring disorders in contact with the justice system. The TAPA Center for Jail Diversion and the Center for Evidence-Based Programs in the Justice System, funded by the Center for Mental Health Services in 2001 and 2004 respectively, comprise the National GAINS Center.

The GAINS Center is committed to the goal of transforming the nation's fragmented mental health system and developing a recovery-oriented, consumer-driven system of care as described in the report of the President's New Freedom Commission. The GAINS Center is uniquely poised to help states forge collaborations among the mental health, substance abuse, and criminal justice systems. To accomplish this, the GAINS Center has developed a comprehensive plan of information dissemination, knowledge application and technical assistance strategies to further the implementation of evidence-based programs in the justice system. The GAINS Center supports and engages in creative initiatives and collaboration with public and private organizations to effectively address the evolving needs of state and local planning and coordination.

The Sequential Intercept Map (SIM) was developed by the GAINS Center as a way of organizing information about the system and developing actions steps. The SIM for adults, modified by the CBSS to reflect juveniles and their family's needs, was selected by the CBSS as the framework for recommendations to the JJTF on the system redesign needed in Maine to achieve the goals outline by the JJTF. The map identifies areas where youth and families intercept with 5 systems:

- 1) Law Enforcement/Emergency Services/ Diversion Programs*
- 2) Initial Detention/Court Hearings*
- 3) Jails/Courts*
- 4) Reentry*
- 5) Community Corrections/Community Services/Schools*

The SIM identifies gaps or issues at these intercepts, why these gaps or issues exist, what changes need to be made, who should lead the change effort and when it should be completed.



<i>Building Assets/Reducing Risk Programs</i>				
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APPENDIX B

LEGISLATION

PUBLIC Law, Chapter 626, LD 1658, 124th Maine State Legislature
An Act To Increase Maine's High School Graduation Rates

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Increase Maine's High School Graduation Rates

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 211, sub-c. 1-B is enacted to read:

SUBCHAPTER 1-B

HIGH SCHOOL GRADUATION RATE

§ 5031. High school graduation rate

1. Goal. It is the goal of the State to achieve a graduation rate of 90% by the end of the 2015-2016 school year for each publicly supported secondary school.

2. Technical assistance. The department shall provide forms to publicly supported secondary schools for reporting graduation rates. The commissioner shall provide technical assistance to publicly supported secondary schools in the State that have not attained a graduation rate of 80% by the end of the 2012-2013 school year. Publicly supported secondary schools that do not meet the 80% graduation rate by the end of the 2012-2013 school year shall provide the commissioner with a copy of the action plan developed under section 5103, subsection 5 no later than December 31, 2013. The action plan may include the steps necessary to achieve a graduation rate of 90% by the end of the 2015-2016 school year.

3. Rules. The department shall adopt rules specifying the method to be used to calculate publicly supported secondary school graduation rates through 2016 and dates by which graduation rates must be reported to the department. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2A and must be provisionally adopted and submitted to the Legislature for review no later than January 14, 2011.

Sec. 2. Stakeholder group. The Commissioner of Education shall establish a stakeholder group to develop methodologies and recommendations relating to increasing publicly supported secondary school graduation rates, as well as policies related to school expulsion, suspension, zero-tolerance practices and truancy, in the State. The stakeholder group must include, but is not limited to, the Commissioner of Education or the commissioner's designee, educators and other persons the commissioner determines will contribute to the development of effective policies. The commissioner shall invite the participation of:

1. Representatives of the following educational associations nominated by the respective associations:

- A. The Maine School Boards Association;
 - B. The Maine School Superintendents Association;
 - C. The Maine Education Association;
 - D. The Maine Administrators of Services for Children with Disabilities; and
 - E. The Maine School Counselor Association;
- 2. A school attendance coordinator in a secondary school in the State; and
 - 3. An elementary school teacher or administrator in the State.

The commissioner and the stakeholder group shall review existing plans developed by the advisory committee on truancy, dropouts and alternative education established pursuant to the Maine Revised Statutes, Title 20A, section 5152, the performance plans developed by the Maine Administrators of Services for Children with Disabilities and other existing plans developed by an educational association in the State.

Sec. 3. Report to Joint Standing Committee on Education and Cultural Affairs. The Commissioner of Education and the stakeholder group under section 2 shall report their recommendations for increasing graduation rates to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2010. The report must include, but is not limited to, recommendations relating to:

- 1. The establishment of guidelines for school suspensions and expulsions, including notification of hearings, time frames, provision of educational support services, pathways to reinstatement and alternatives to expulsion and suspension;
- 2. The impact and implementation of zero-tolerance practices;
- 3. Best practices for secondary schools, families and youth for increasing secondary school graduation rates;
- 4. The maximum age of mandatory school attendance; and
- 5. The impact and effectiveness of the current truancy laws.

The Joint Standing Committee on Education and Cultural Affairs may accept and discuss the report at an authorized interim committee meeting. After receipt and review of the report, the committee may make recommendations to the Commissioner of Education for further action and provide these recommendations and comments to the joint standing committee of the 125th Legislature having jurisdiction over education matters.

Effective 90 days following adjournment of the 124th Legislature, Second Regular Session, unless otherwise indicated.

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Resolve, To Implement the Recommendations of the Juvenile Justice Task Force

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature recognizes the immediate need to better coordinate services for juveniles in order to improve and protect their educational opportunities, safety and health; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Coordinated services district system. Resolved: That the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor shall develop a jointly agreed-upon statewide coordinated services district system by June 1, 2010. The system shall coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth. The system shall work with and report to the Children's Cabinet and the commissioners who are members of the cabinet; and be it further

Sec. 2 Create and coordinate a service system. Resolved: That the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, shall work with the coordinated services district system developed under section 1 and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The coordinated services district system must be funded with existing resources; and be it further

Sec. 3 Plan for in-home and out-of-home placements. Resolved: That, by September 1, 2010, the Department of Corrections, in conjunction with the Department of Health and Human Services, shall develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system. The plan must include funding options for emergency shelter placements, foster home placements and residential placements; and be it further

Sec. 4 Plan that identifies ongoing mechanism to ensure provision of flexible funding for youth services from multiple agencies. Resolved: That, by January 15, 2011, the Department of Corrections, the Department of Health and Human Services and the Department of Education shall together develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors; and be it further

Sec. 5 Report; legislation. Resolved: That, by January 15, 2011, the Department of

Corrections shall report to the joint standing committee of the Legislature having jurisdiction over juvenile justice issues progress on the implementation of this resolve.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

APPENDIX C

RESOURCE GUIDE

System Reform Resources

Office of Juvenile Justice and Delinquency Prevention Annual Report, 2008 (Mar. 2009)

This report describes OJJDP's major efforts and initiatives during fiscal year 2008. The report provides details on OJJDP programs including a girl's study group, anti-gang initiatives, faith-based and community initiatives, and juvenile drug court initiatives. In addition, the report summarizes OJJDP's major efforts to defend children against victimization, including efforts to protect against Internet crimes and sexual exploitation of children. The report also provides information related to the Juvenile Justice and Delinquency Prevention Act, including information on formula grants, Juvenile Accountability Block Grants, and Title V Community Prevention Grants.

- Available at <http://www.ncjrs.gov/pdffiles1/ojjdp/225036.pdf>

Federal Advisory Committee on Juvenile Justice: Annual Report 2008 (Nov. 2008)

The Federal Advisory Committee on Juvenile Justice (FACJJ) has made nineteen recommendations to the President and Congress on issues in the juvenile justice system. The recommendations fall into five broad categories: deinstitutionalization of status offenders; jail removal and sight and sound separation; disproportionate minority contact; effective assistance of counsel; and mental health, substance abuse, and the juvenile justice system. Highlights of these recommendations include promoting alternatives to secure detention that effectively address status offenses and modifying the Juvenile Justice and Delinquency Prevention Act (JJDPA) to allow juveniles convicted as adults and housed in juvenile facilities to remain in those facilities after they reach the age of eighteen. FACJJ also recommends additional funding for research on disproportionate minority contact and amending the JJDPA to require a provision for competent, effective, and zealous representation of juveniles.

- Available at <http://www.facjj.org/annualreports/FACJJ%20Annual%20Report%2008.pdf>

Reform the Nation's Juvenile Justice System

The Annie E. Casey Foundation, Issue Brief (Jan. 2009)

This issue brief suggests that the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) presents an opportunity for beneficial reforms to the juvenile justice system. As the federal budget for the core research and dissemination efforts the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has declined 90% since 2000, the brief

argues that OJJDP funding should be substantially increased. The brief suggests that OJJDP funding should support proven and cost-effective strategies such as reducing the reliance on detention, reducing racial disparities, improving the conditions of juvenile facilities and limiting the number of juveniles tried as adults. The article also suggests that states follow the Juvenile Detention Alternatives Initiative model for detention reform and improve their juvenile justice workforces through partnerships with state agencies and universities and internship and tuition subsidy programs.

- Available at http://www.aecf.org/~media/PublicationFiles/Juvenile_Justice_issuebrief3.pdf

Two Decades of JDAI: From Demonstration Project to National Standard

Annie E. Casey Foundation (2009)

This report from the Annie E. Casey Foundation documents the progress of the Juvenile Detention Alternatives Initiative's (JDAI) efforts in reforming juvenile detention practices throughout the nation. Also highlighted in the report are the ways in which JDAI has contributed to the broader juvenile justice reform movement.

- Available at http://www.aecf.org/~media/Pubs/Initiatives/Juvenile_Detention_Alternatives_Initiative/TwoDecadesofJDAIFromDemonstrationProjecttoNat/JDAI_National_final_10_07_09.pdf

The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense

Justice Policy Institute (May 2009)

The Justice Policy Institute's research shows that more youth within the juvenile justice system are entering secure state institutions, leading to increasingly non-rehabilitative conditions and higher costs. This publication stresses that the pressure on the system can be alleviated through a shift in the fiscal architecture of state juvenile justice systems. Citing various states who implemented this concept, this report posits that alternatives to confinement lead to improved public safety and save precious tax dollars.

- Available at http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement_JJ_PS.pdf

Pruning Prisons: How cutting Corrections Can Save Money and Protect Public Safety

Justice Policy Institute (May 2009)

Federal, state, and local governments are spending a combined \$68 billion dollars a year on prisons and jails. This report states that this enormous investment does not definitively improve public safety, but, instead, destabilizes communities, harms families, and derails the lives of individuals. According to the report, research has shown that over the last 10 years,

states that have increased their prison populations have not seen concurrent decreases in violent crime. At the same time, the states that have reduced their incarceration rates have seen some of the largest drops in violent crime. The report states that policymakers can save money and improve public safety by making incremental changes today which use existing, evidence based strategies to reduce correctional populations and spending. The report provides that evidence-based community programs designed for youth in particular yield higher returns than the initial cost.

- Available at:
http://www.justicepolicy.org/images/upload/09_05_REP_PruningPrisons_AC_PS.pdf

Literature Review: Wraparound Services for Juvenile and Adult Offender Populations

Kate J. Wilson, California Department of Corrections and Rehabilitation (2008)

This report begins, "The purpose of the current report is to review extant research literature on the efficacy of wraparound services as applied to the community reentry of adult offender populations." Sections following the introduction include: overview of wraparound services; the evidence base for wraparound services; wraparound services for juvenile offender reentry; select evaluations of wraparound juvenile justice programs; wraparound services for adult offender reentry; and conclusion. While there has been little evaluation of adult wraparound services, the success of juvenile wraparound programs and the need for integrated service delivery seems to support the utilization of adult wraparound services.

- Available at:
http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/Wraparound_Services_UCDAVIS_Jan_2008.pdf

Envisioning a Juvenile Justice System That Supports Positive Youth Development

James M. Frabutt et al., 22 Notre Dame J.L. Ethics and Pub. Pol'y 107 (2008)

This article argues for systematic reforms to the juvenile justice system focused around adopting a therapeutic approach to detention, addressing juvenile offenders' mental health needs, adopting community-based reentry programs, and focusing on prevention. Reforms have been made in North Carolina, beginning in the 1990s, that can serve as a model that other jurisdictions can adopt. North Carolina's reform efforts included building smaller, community-based facilities and providing juvenile offenders with individualized service plans and structured education programs. The article suggests that service plans should be conscious of mental health needs. The article argues that North Carolina's reforms have proven to be largely effective, and that other states should similarly focus on the goals of therapy, community-based reentry and prevention.

The Second Century: Juvenile Justice Reform in Illinois

Center for Children's Law and Policy (2008)

This report is the second state-based report by the Models for Change initiative. The report describes several promising juvenile justice policies in Illinois that can serve as a base for further reforms. Some of the policies noted in this report include a pilot program to incentivize community-based services, the Juvenile Detention Alternatives Initiative, legislation that reversed the trend of trying juveniles in adult courts, a community-based mental health clinic, a program to reduce disproportionate minority confinement, and the formation of a new Department of Juvenile Justice.

- Available at: <http://www.modelsforchange.net/publications/156>

Supporting Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice

David Altschuler et al., Center for Juvenile Justice Reform (Apr. 2009)

Adulthood does not begin at 18. This paper addresses the shortfalls of the child welfare and juvenile justice systems in helping youth aging out of the systems to make a successful transition to adulthood. By examining both the child welfare and juvenile justice fields individually, the paper identifies areas in which each field has developed some promising approaches that could help the other field. It goes further to show potential strategies, programs, and resources that will enable collaboration in order to help serve youth that are part of both systems. It outlines principles for cross-system collaboration, developmentally appropriate interventions and treatments, and policy changes that will promote positive reform.

- Available at: <http://cijr.georgetown.edu/pdfs/TransitionPaperFinal.pdf>

Models for Change 2008 Update: Gathering Force

Patrick Griffin, National Center for Juvenile Justice (Dec. 2008)

This update reviews the basic design and structure of the Models for Change initiative, the places where it operates to assist change, the progress made, and their goals for the upcoming years. Examining each of the core states involved in the project, Pennsylvania, Illinois, Louisiana, and Washington, the publication illustrates the changes seen throughout these states' juvenile justice systems by the implementation of various plans and strategies. This update elaborates on future goals and what each state hopes to accomplish using their collaborations with the respective states' juvenile systems as well as research conducted.

Advances in Juvenile Justice Reform 2007-2008

National Juvenile Justice Network (Dec. 2008)

This document provides an overview of juvenile justice reform in thirty two states across the country during 2007-2008. These reforms address a myriad of issues, such as organizational and large scale changes, adjudication, conditions of confinement, alternatives and community based services, disproportionate minority contact, indigent defense, community integration, system-based services, girls and LGBTQ youth in the system, youth who are both dependent and delinquent, and gangs.

- Available at: <http://www.modelsforchange.net/publications/172>

State-Level Detention Reform: A Practice Guide for State Advisory Groups

Annie E. Casey Foundation (2008)

This guide for state juvenile justice advisory group members highlights examples of leadership and work of State Advisory Group (SAG) members in key states that have been at the forefront of the Juvenile Detention Alternatives Initiative through their SAG leadership.

- Available at: [http://www.aecf.org/~media/Pubs/Topics/Juvenile Justice/Practice Guides/StateLevelDetentionReformAPracticeGuideforSta/stateleveldetentionreform.pdf](http://www.aecf.org/~media/Pubs/Topics/Juvenile%20Justice/Practice%20Guides/StateLevelDetentionReformAPracticeGuideforSta/stateleveldetentionreform.pdf)

Youth Violence Myths and Realities: A Tale of Three Cities

Barry Krisberg et al., National Council on Crime and Delinquency (Feb. 2009)

The Annie E. Casey Foundation funded the NCCD to assess the intersection of media coverage of youth crime, public perception, public policy and true trends and issues in youth crime in three United States cities: Dallas, Texas, Washington, D.C. and San Mateo, California. As part of its assessment, the NCCD reviewed media coverage and crime statistics, and interviewed key stakeholders and youth in the juvenile justice system. The report summarizes key findings that demonstrate how many lessons are not yet learned from the “superpredator” myth of the 1990s, and includes topics such as the nature of media coverage of crime and youth, the interplay of media coverage with policy decisions and real crime statistics, the attitudes of the public, and the true stories told by these youth. Recommendations are also presented, including recommendations to educate the media and public.

- Available at: <http://judiciary.house.gov/hearings/pdf/Krisberg090211.pdf>

Making Court the Last Resort: A New Focus for Supporting Families in Crisis

Sara Mogulescu and Gaspar Caro, Vera Institute of Justice (2008)

This report explores the new paradigm for status offender services: using the juvenile justice system as a last resort and instead referring at-risk children to social service programs within their communities. The report uses successful programs in Florida, New York, and Connecticut to show how positive outcomes can be reached in different jurisdictions. Florida offers crisis services to at-risk youth through a large consortium of nonprofit organizations. Orange County, New York, has changed its strategy for serving status offenders over the past five years, working

to help families in need instead of focusing on just the at-risk youth. Connecticut used policy to change the treatment of status offenders.

- Available at: http://www.vera.org/download?file=1796/status_offender_finalPDF.pdf

A Road Map for Juvenile Justice Reform

The Annie E. Casey Foundation (2007)

This article critiques the current state of the juvenile justice system, and provides a roadmap for reform to address the most pressing needs. The author traces the development of the juvenile justice system from its inception to its current state, explaining how the modern “get tough” philosophy and practices came to pervade juvenile justice. Six commonplace deficiencies that exemplify what is wrong with the modern juvenile justice system are then analyzed.

- Available at: http://www.aecf.org/~media/PublicationFiles/AEC180essay_booklet_MECH.pdf

The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities

Barry Holman and Jason Zeidenberg, Justice Policy Institute (Nov. 2006)

This policy brief looks at the consequences of detention on youth, their families and their communities. The brief argues that a number of youth are needlessly detained and argues that, instead, policymakers should focus on juvenile interventions that better reduce recidivism and crime and build safe and healthy communities.

- Available at: http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf

Guidelines for Juvenile Information Sharing

Office of Juvenile Justice and Delinquency Prevention (2006)

This report gives guidance to state and local jurisdictions that are trying to improve information-sharing among key agencies that work with at-risk youth and juvenile offenders. The guidelines describe how to incorporate the three components of juvenile information sharing—collaboration, confidentiality, and technology—into a developmental framework.

- Available at: <http://www.ncjrs.gov/pdffiles1/ojjdp/215786.pdf>

EDUCATION RESOURCES

Zeroing Out Zero Tolerance: Eliminating Zero Tolerance Policies in Texas Schools

Sheena Molsbee, 40 Tex. Tech L. Rev. 325 (2008)

This comment discusses the effectiveness of zero-tolerance (ZT) policies in schools, particularly in Texas. The author surveys the historical development of ZT policies and examines the problems created by them, including suspension and expulsion of students for minor infractions and increasing dropout rates. Furthermore, she notes the growing opposition to ZT policies.

Reducing Student and Teacher Dropout Rates in Louisiana

Southern Poverty Law Center (2009)

This guide promotes a research-based method for improving student behavior and keeping youth out of the criminal justice system. Positive Behavioral Supports (PBS) reduce suspension, expulsion, and dropout rates, improve school attendance, and reduce later delinquency and drug use. In comparison, relying on the juvenile court system to handle school problems puts youth at risk for entering the criminal system. The guide cites successes of PBS, noting that it is currently practiced in more than 7,100 schools across the country and is recommended or required by statute in three states. It has brought about positive effects in elementary, middle and high schools, and is even effective in schools with higher percentages of at-risk students. The guide lists recommendations for educators in implementing PBS and provides suggestions for alternative strategies and programs.

- Available at:
http://www.splcenter.org/images/dynamic/main/LA_Reducing_Student_Dropout.pdf
- Reducing Student and Teacher Dropout Rates guides for Mississippi and Alabama are also available at the SPLC website's publications page:
<http://www.splcenter.org/legal/publications/pub.jsp>

The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools

Alliance for Excellent Education, Issue Brief, (Oct., 2007)

This article surveys the economic and social costs of high school dropouts. The author compares the average annual income of a high school dropout to that of a high school graduate and discusses the total economic loss caused by high school dropouts in 2007. The article concludes by detailing the social benefits that accrue from a decreased high school dropout rate, noting in particular that American high schools must be improved if the dropout rate is to decline. A table conveying the total economic loss caused by dropouts for each state is included. It is estimated that Maine's will fail to graduate over 3,800 youth in 2009 and that

these non-graduates' collective failure to graduate will decrease their aggregate lifetime incomes by over \$990 million.

- Available at: <http://www.all4ed.org/files/HighCost.pdf>

Locating the School-to-Prison Pipeline

American Civil Liberties Union (2007)

This fact sheet provides a brief overview of the school-to-prison pipeline, outlining the policies and practices that force children out of classrooms and into the juvenile justice system. The author traces the pipeline's path from the inadequacy of resources that leads schools to adopt zero tolerance policies, which leads to higher rates of expulsion or suspension, to the absence of educational opportunities available to juveniles in detention centers that diminishes opportunities for rehabilitation and increases the likelihood that these juveniles will end up in prison.

- Available at: <http://www.aclu.org/racial-justice/what-school-prison-pipeline>

Talking Points: The School-to-Prison Pipeline

American Civil Liberties Union (2007)

This fact sheet outlines key arguments against the policies and practices of the school-to-prison pipeline. These talking points highlight the detrimental effects of such practices like zero-tolerance disciplinary policies and reliance on law enforcement to handle minor school offenses. The points also address the disproportionate representation of minorities and special-needs students in the school-to-prison pipeline.

- Available at: <http://www.aclu.org/racial-justice/school-prison-pipeline-talking-points>

The Criminalization of Student Discipline Programs and Adolescent Behavior

Augustina Reyes, 21 St. John's J. Legal Comment. 73 (2006)

An evaluation of Texas' student discipline policies in public schools, focusing specifically on the placement of children in alternative education programs for statutorily prohibited conduct. The article provides an overview of Zero Tolerance policies and Disciplinary Alternative Education Programs across the country, and posits that the practice of removing adolescents from regular classrooms is not effective in reducing misbehavior. The author concludes by proposing that "the entire approach of creating criminals in schoolyards needs a fresh approach."

Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations

Russell Skiba et al., American Psychological Association Zero Tolerance Task Force (2006)

A report by the American Psychological Association on the effects of zero tolerance policies and recommendations for improving such policies and creating alternatives. The report challenges the assumptions underlying zero tolerance, presents evidence regarding the disparate impact of such policies on students of color and students with disabilities, and analyzes zero tolerance in light of child development research. The relationship between the education and juvenile justice systems is discussed.

- Available at: <http://www.jdaihelpdesk.org/Docs/Documents/1%20BINDER%20Tab%207%20Zero%20Tolerance.pdf>

Arresting Development: Addressing the School Discipline Crisis in Florida

Florida State Conference NAACP, Advancement Project, and NAACP Legal Defense and Educational Fund (2006)

A report on the devastating effects of zero tolerance policies in schools in Florida. Thousands of students statewide are being funneled into the juvenile justice system for offenses that should be handled at the school level. Recommendations for what local officials, state officials, juvenile court personnel, and parents and education advocates should do to reform the system are provided.

- Available at: http://www.naacpldf.org/content/pdf/pipeline/arresting_development_full_report.pdf

ADOLESCENT BRAIN DEVELOPMENT RESOURCES

Adolescent Development and the Regulation of Youth Crime

Elizabeth S. Scott and Laurence Steinberg, *The Future of Children: Juvenile Justice*, Vol. 18, No. 2 (Fall, 2008)

The authors explore the changes in the law's conception of young offenders between the end of the nineteenth century and the beginning of the twenty-first and note that lawmakers and the public appear now to be rethinking their view that youth should be held to the same standard of criminal accountability as adults. In 2005 the United States Supreme Court abolished the juvenile death penalty, emphasizing that the immaturity of adolescents made them less culpable than adult criminals. In addition, state legislatures recently have repealed or moderated some of the punitive laws they recently enacted. At the same time, public anger has abated and attitudes toward young offenders have somewhat softened. In response to these changes, the authors argue that it is appropriate to reexamine juvenile justice policy and to devise a new model of juvenile justice—a developmental model—for the twenty-first century.

- Available at: http://futureofchildren.org/futureofchildren/publications/docs/18_02_02.pdf

Addressing Gaps in the Maturity of Judgment Literature: Age Differences and Delinquency

Kathryn Lynn Modecki, 32 Law & Hum. Behav. 78 (2008)

This article explores researchers' investigations into factors that may affect adolescent judgment and culpability. Utilizing hypothetical vignettes and standardized measures, this study examines the maturity of judgment of adolescents. The findings suggest that adolescents display less responsibility and perspective relative to college students, young adults, and adults. Additionally, the results show that maturity of judgment predicts delinquency beyond the contributions of age, gender, race, education level, and antisocial decision making.

Neural Substrates of Choice Selection in Adults and Adolescents: Development of the Ventrolateral Prefrontal and Anterior Cingulate Cortices

Neir Eshel *et al.*, *Neuropsychologia*, Vol. 45, No. 6, pp. 1270-1279 (2007)

This study compared adolescent and adult brains in order to determine whether brain functioning differs between the two groups when performing a risk-taking task. The authors found that adults used the parts of the brain involved in cognitive control more than adolescents. Furthermore, reduced activity in the parts of the brain involved in cognitive control correlated with greater risk-taking performance.

Bridging the Gap: An Interdisciplinary Approach to Juvenile Justice Policy

C. Antoinette Clarke, 56 DePaul L. Rev. 927 (2007)

The author reviews the latest research on psychology, neuroscience, and child development, discusses the negative consequences of punitive juvenile justice policies, and recommends that every phase of the process--from adjudication to disposition to corrections--can be informed by developmental research.

Less Guilty by Reason of Adolescence

Issue Brief 3, MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice (2007)

This issue brief summarizes the findings of the MacArthur Foundation Research Network about the relation of adolescent development to culpability.

- Available at: http://www.adjj.org/downloads/6093issue_brief_3.pdf

Cognitive and Moral Development, Brain Development, and Mental Illness: Important Considerations for the Juvenile Justice System

Joel V. Oberstar, Elise M. Anderson and Jonathan B. Jensen, 32 Wm. Mitchell L. Rev. 1051 (2006)

This article discusses the forensic implications of research concerning normal brain development and brain development in the context of mental illness. The authors explain that recent research is consistent with earlier, influential theories of cognitive and moral development and that all of these research findings support treating children in the juvenile system differently from adults.

Neurobiology and the Law: A Role in Juvenile Justice?

Staci A. Gruber and Deborah A. Yurgelum-Todd, 3 Ohio St. J. Crim. L. 321 (2006)

This article details the basics of brain development from childhood through adolescence, the functioning of the prefrontal cortex in adolescence and the impact on adolescent decision-making processes. The authors also provide three steps defense attorneys can take to help determine an adolescent client's functioning and level of development.

JUVENILE JUSTICE TASK FORCE MEMBERS

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First Lady, Karen Baldacci
Peter Pitegoff, Dean, University of Maine School of Law

Task Force Members

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Pious Ali, Founder, Maine Interfaith Youth Alliance
Ed Anderson, NAACP
Cushman Anthony, Attorney and former State Representative
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Shawn Keenan, Maine Education Association, General Counsel
Robert LaPlante, Waterville Juvenile Community Corrections Officer
Craig Larrabee, President, Jobs for Maine Graduates, Inc.
Hon. Charles LaVerdiere, Maine District Court, Deputy Chief Judge
Rep. Veronica Magnan, State Representative
Kathryn McGloin, Juvenile Justice Specialist, JJAG*
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End Notes

¹ Chief Justice Leigh Saufley. *Juvenile Justice Task Force*. Memo establishing the Juvenile Justice Task Force. April 17, 2009.

² Center for Labor Market Studies, Northeastern University, *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Tax Payers*, at 15 (2009). ("The average high school dropout will cost taxpayers over \$292,000 in lower tax revenues, higher cash and in-kind transfer costs, and imposed incarceration costs relative to an average high school graduate.")

³ Alma Powell, Chair, America's Promise Alliance Speech - "Delivering America's Promise," at 1 (2009) American Academy of Pediatrics National Convention and Exhibition, October 17, 2009, <http://www.americaspromise.org/About-the-Alliance/Press-Room/Speeches-and-Quotes/2009-Alma-Powell-October-17.aspx>. ("If the dropouts who would have been part of the Class of 2009 had stayed in school and graduated, they'd generate an additional \$319 billion in wages, taxes, and productivity over their working lives.")

⁴ Alliance for Excellent Education, *The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools*, Issue Brief, at 5 (Oct. 2007), available at <http://www.all4ed.org/files/HighCost.pdf>.

⁵ Education Week, Editorial Projects in Education Research Center, *Diplomas Count, 2009: Broader Horizon's - The Challenge of College Readiness For All Students*, 7 (2009) (presenting a Chart Entitled: "Projection of Graduates and Non-Graduates").

⁶ Alliance for Excellent Education, *The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools*, Issue Brief, at 5 (Oct. 2007), available at <http://www.all4ed.org/files/HighCost.pdf>.

⁷ Maine Children's Alliance, *Maine Kids Count Data Book*, at 20 (2008).

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⁹ Bart Lubow's Presentation at the Maine Rising Juvenile Justice Summit, *Systemic Change in Juvenile Justice: Finding Detention Alternatives that Work*, at 6, found at <http://muskie.usm.maine.edu/justiceresearch/JuvenileJusticeTaskForce/Materials.html>. Citing *OJJDP Statistical Briefing Book: Juvenile Offenders 2006*; Easy Access to FBI Statistics Database 2007.

¹⁰ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06->

¹¹ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06>

One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration, and another suggests that poor mental health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm.

Id. (internal citations omitted).

¹² Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06>

¹³ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06>

¹⁴ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2-3 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06> (emphasis added). See also *The Costs of Confinement*, *supra* note 10 at 10 ("Researchers who have critically evaluated the adult criminal justice system have found little if any correlation between increasing prison populations and lower crime rates. . . . Concurrently, data shows that states

that increased the number of youth in facilities did not necessarily see a bigger drop in crime than states that lowered juvenile correctional populations.”) “[S]tates that significantly lowered the number of youth incarcerated were more likely to see bigger drops in crime than states that increased their correctional populations.” Id .

¹⁵ Bart Lubow's Presentation at the Maine Rising Juvenile Justice Summit, *Systemic Change in Juvenile Justice: Finding Detention Alternatives that Work*, pg 3, found at

<http://muskie.usm.maine.edu/justiceresearch/JuvenileJusticeTaskForce/Materials.html>. Citing: Office of State Courts Administrator, Florida Juvenile Delinquency Court Assessment (2003); LeBlanc, (1991). *Unlocking Learning in Correctional Facilities*, Washington, D.C.; *Substance use, abuse and dependence among youth who have been in jail or a detention center: The NSDUH report*, The Nation Center on Addiction and Substance Abuse (CASA) at Columbia University, (2004); America's Promise report on nation rates of high school dropouts: www.msnbc.man.com/id/23889321/.

¹⁶ See Juvenile Justice Advisory Group, *2009 to 2011 Comprehensive Three Year Plan for Juvenile Justice and Delinquency Prevention*, at 32 (March 2009), available at <http://www.maine.gov/corrections/jjag/>. (recommending a plan for developing community-based programs to help prevent juvenile delinquency).

In an effort to effectively divert [] low risk offenders from the system we need to encourage and support the development of a range of programs and services aimed at identifying and addressing the factors that are leading to their initial involvement in the juvenile justice system. These community based programs should be available to local law enforcement agencies and the DOC as a diversion alternative [sic] focused on preventing further penetration of first time/low risk juvenile offenders into the juvenile justice system. . . . Programs will be based on evidence based practices that have a proven track record of producing positive outcomes for youth and families through a strategy of asset development.

¹⁷ Chief Justice Leigh Saufley. *Juvenile Justice Task Force*. Memo establishing the Juvenile Justice Task Force. April 17, 2009.

¹⁸ Chief Justice Leigh Saufley. *Juvenile Justice Task Force*. Memo establishing the Juvenile Justice Task Force. April 17, 2009.

¹⁹ Alma Powell, Chair, America's Promise Alliance - "Delivering America's Promise," 2009 American Academy of Pediatrics National Convention and Exhibition, October 17, 2009: - <http://www.americaspromise.org/About-the-Alliance/Press-Room/Speeches-and-Quotes/2009-Alma-Powell-October-17.aspx>. "If you drop out, you're twice as likely to be unemployed as a high school graduate. You'll be three times as likely to live in poverty. You're eight times more likely to wind up in prison. There's a four in 10 chance you'll depend on public assistance. You're more likely to have health problems, and your life expectancy will be shorter. And you're twice as likely to become the parent of a dropout and perpetuate the cycle." See also Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. ("Research continually links education and the likelihood of participating in illegal behavior or ending up in prison. Forty-one percent of adults in prison and jails do not have a high school diploma and . . . dropouts are 3.5 times more likely than high school graduates to be arrested.") (internal citations omitted); American Civil Liberties Union, *Locating the School-to-Prison Pipeline* (2007), http://www.aclu.org/images/asset_upload_file966_35553.pdf ("For most students, the pipeline begins with inadequate resources in public schools. . . . [F]ailure to meet educational needs increases disengagement and dropouts, increasing the risk of later court involvement.").

²⁰ Office of Juvenile Justice Delinquency Prevention, Juvenile Justice Bulletin, *Truancy: First Step to a Lifetime of Problems*, (1996)

"A report from the University of Maryland found that 51 percent of female juvenile detainees not in school at the time of their arrests tested positive for drug use. (E.D. Wish, T.A. Gray, and E.B. Levine (1996), *Recent Drug Use in Female Juvenile Detainees: Estimates from Interviews, Urinalysis, and Hair Analysis* (College Park, MD: Center for Substance Abuse Research, University of Maryland), p. 4.) Another study by the U.S. Department of Justice's Drug Use Forecasting (DUF) program reported that more than half (53 percent) of a group of 403 male juvenile arrestees in San Diego, California, tested positive for drug use when taken to juvenile hall. Not surprisingly, those who did not attend school were more likely (67 percent versus 49 percent) to test positive for drug use than those who did attend." ("Drug Use Among San Diego Arrestees," *SANDAG Info*, Special Issue 1996 (San Diego, CA: San Diego Association of Governments).

²¹ Center for Labor Market Studies, Northeastern University, *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Tax Payers*, at 15 (2009). ("The average high school dropout will cost taxpayers over \$292,000 in lower tax revenues, higher cash and in-kind transfer costs, and imposed incarceration costs relative to an average high school graduate.")

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²³ Alliance for Excellent Education, *The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools*, Issue Brief, at 5 (Oct. 2007), available at <http://www.all4ed.org/files/HighCost.pdf>.

²⁴ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 21 (2006).

²⁵ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 21 (2006).

²⁶ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 21 (2006).

²⁷ America's Promise Alliance, *Grad Nation: A Guidebook to Help Communities Tackle The Dropout Crisis*, 52 (2009).

²⁸ America's Promise Alliance, *Grad Nation: A Guidebook to Help Communities Tackle The Dropout Crisis*, 52 (2009).

²⁹ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 69 (2006).

³⁰ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 69 (2006).

Also: **Project Helping Hand**

Project Helping Hand receives referrals from the schools for youth in kindergarten through eighth grades who have a minimum of 5 days of unexcused absences. (Referrals from parents and social service agencies are also accepted.) A truancy worker meets with the youth and family to conduct an assessment and to provide short-term family counseling, usually up to eight sessions. After the truancy worker completes the assessment, the worker meets jointly with the family and school personnel to develop a plan to improve the child's attendance and address family needs. Referrals for additional social services (e.g., housing, food stamps, day care, medical, substance abuse, psychiatric, parent support, and single parent programs) are made on an as-needed basis. If the family fails to keep appointments, home visits are made to encourage cooperation. If parents continue to resist participating or school attendance does not improve, a referral can be made to the family court.

At School, On Time, Ready to Work

At the first sign of truancy, families are referred to the program by the school. Once referred, they are contacted by the prosecutor and given the opportunity to enter the program. When the family agrees to become part of the 90-day program, they enter a three-pronged treatment approach: (1) Intensive supervision of the child: A worker (usually from a social service agency) is assigned to the child during the entire 90-day period. The worker verifies the child's school attendance daily and meets several times a week with him or her during the first 30 days of the contract. The worker also serves as a liaison between the social service agency, the prosecutor, the school, and the family.

(2) Support and therapy services are provided: Students in the program meet regularly with a mental health counselor to share life experiences and to learn skills to build self-esteem and confidence in school.

(3) Support and education services to the parents of the child: Parents attend group meeting that focus on effective parenting techniques and the importance of their child's education.

Following completion of the program, students are tracked and attendance continues to be monitored. National Center on Rural Justice and Crime Prevention Truancy Prevention Fact Sheet, August 2001

<http://www.maine.gov/cabinet/syv/WorkAndActionReports/SummitMaterials.htm>

³¹ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide* (2006).

³² Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 65 (2006), italics in the original.

³³ Education Week, Editorial Projects in Education Research Center, *Diplomas Count, 2009: Broader Horizon's - The Challenge of College Readiness For All Students*, 7 (2009) (presenting a Chart Entitled: "Projection of Graduates and Non-Graduates").

³⁴ Alliance for Excellent Education, *The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools*, Issue Brief, at 5 (Oct. 2007), available at <http://www.all4ed.org/files/HighCost.pdf>.

³⁵ Maine Children's Alliance, *Maine Kids Count Data Book*, at 20 (2008).

³⁶ USM Muskie School of Public Service, Justice Policy Program *2008 Maine Crime & Justice Data Book* (2009) at 3-6 "Of the 1,840 prisoners in adult facilities for whom education data is available, a majority of prisoners (54.1%) have less than a high school (HS) education, and nearly one-eighth (11.1%) have less than a 9th grade education. Overall, 45.9% of the inmates in Maine's prison system have a 12th grade education or a higher level of education, compared with 89.4% across the state."

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<http://www.maine.gov/cabinet/syv/WorkAndActionReports/SummitMaterials.htm>

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- ³⁸ See American Bar Association, *Zero Tolerance Policy Report* (2001), available at <http://www.abanet.org/crimjust/juvjus/zerotolreport.html> (discussing the expanded scope and unintended consequences of zero tolerance policies). (“Although few could quarrel with a policy of zero tolerance towards children who misbehave - adults who raise, teach or supervise children should react to misbehavior - their responses should be appropriate to the age, history and circumstances of the child as well as to the nature of the offense. Unfortunately, when it is examined closely zero tolerance “turns out to have very little to do with zero tolerance, and everything to do with one-size-fits-all mandatory punishment.”)
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- ⁴⁰ “This statute was enacted under Congress’ spending power to prevent students from bringing weapons to school. It is different than the Gun-Free School Zones Act of 1990, which the U.S. Supreme Court struck down in 1995, holding that it exceeded Congress’ power under the Commerce Clause of the U.S. Constitution. *U.S. v. Lopez*, 115 S.Ct. 1624 (1995). Congress amended the Gun-Free School Zones Act in 1996, adding a jurisdictional requirement which states, “It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.” 18 U.S.C. § 922(q)(2)(A).” NSBA GUIDELINES, Jan 2002
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- ⁴² Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide* pg 27. (2006).
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- ⁴⁴ Voices for America’s Children and the Child and Family Policy Center, *Early Learning Left Out: An Examination of Public Investments in Education and Development by Child Age*, at 4. (2004) .
- ⁴⁵ Maine Department of Health and Human Services, *Invest Early In Maine: A Working Plan for Humane Early Childhood Systems*, pg 1. (2006).
- ⁴⁶ Children’s Defense Fund, *State of America’s Children*, at 63 (2005). “Infants and toddlers (birth to age two) need nurturing, quality care in order to develop the intellectual, behavioral, social, and emotional abilities that form the critical foundation for later success in school and in life.”
- ⁴⁷ Rand Corporation - Labor and Population – Research Brief: Proven Benefits of Early Childhood Interventions, at 1. (2005). This research brief describes work for RAND Labor and Population documented in *Early Childhood Interventions: Proven Results, Future Promise* by Lynn A. Karoly, M. Rebecca Kilburn, and Jill S. Cannon, MG-341-PNC (available at www.rand.org/publications/MG/MG341), 2005, 200 pages.) The study focused on programs that provide child development services from the prenatal period until kindergarten entry and that had scientifically sound evaluations. A literature review identified twenty such programs, nineteen of which demonstrated favorable effects on child outcomes. Fifteen of the effective programs were judged to have a “strong” evidence base because they measured outcomes at the time of kindergarten entry or beyond. The remaining four were not judged to have a strong evidence base because, as of the last follow-up, the participants had not yet reached kindergarten age. Many or all of the children in those programs were as young as age 2 or 3, so there is less information as to the lasting effects of the program on outcomes of interest. The evidence base for these programs was designated “promising.”
- ⁴⁸ Rand Corporation - Labor and Population – Research Brief: Proven Benefits of Early Childhood Interventions. (2005).
- ⁴⁹ Voices for America’s Children and the Child and Family Policy Center, *Early Learning Left Out: An Examination of Public Investments in Education and Development by Child Age*, at 2 (2004). “Families with young children are those who are most likely to struggle economically and are in the least position to be able to privately pay for additional educational and developmental services and supports.”
- ⁵⁰ Voices for America’s Children and the Child and Family Policy Center, *Early Learning Left Out: An Examination of Public Investments in Education and Development by Child Age*, at 9 (2004).
- ⁵¹ Voices for America’s Children and the Child and Family Policy Center, *Early Learning Left Out: An Examination of Public Investments in Education and Development by Child Age*, at 9 (2004).
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- ⁵⁴ Governor John E. Baldacci, Maine Governor, *State of the State Address* (2006). “People who have quality early childcare and education have a better shot succeeding.”
- ⁵⁵ Maine Department of Health and Human Services, *Invest Early In Maine, A Working Plan for Humane Early Childhood Systems*, (2006).

- ⁵⁶ U.S. Department of Human Services, Administration for Children and Families, Office of Head Start, About the Office of Head Start - <http://www.acf.hhs.gov/programs/ohs/about/index.html>: "The Head Start program provides grants to local public and private non-profit and for-profit agencies to provide comprehensive child development services to economically disadvantaged children and families, with a special focus on helping preschoolers develop the early reading and math skills they need to be successful in school. In FY 1995, the Early Head Start program was established to serve children from birth to three years of age in recognition of the mounting evidence that the earliest years matter a great deal to children's growth and development. Head Start programs promote school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services to enrolled children and families. They engage parents in their children's learning and help them in making progress toward their educational, literacy and employment goals. Significant emphasis is placed on the involvement of parents in the administration of local Head Start programs."
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- ⁵⁹ "Ensuring Success for Young Children: Early Childhood Literacy". *Discussion Guide Series: Investing in Strategies to Serve Vulnerable Children and Families*. Association of Small Foundations. November 2008. Available online at http://www.aecf.org/~media/Pubs/Topics/Education/Other/EnsuringSuccessforYoungChildrenLiteracy/Ensuring_Success_Early_Literacy.pdf.
- ⁶⁰ Dr. Peter E. Leone. David Boulton. "Juvenile Injustice – Reading Difficulties, Special Education and Juvenile Delinquency." *Children of the Code Interview* (March 5, 2004). Available online at <http://www.childrenofthecode.org/interviews/Leone.htm>.
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- ⁶² Williams, S., McGee, R. "Reading Attainment and Juvenile Delinquency" *Journal of Child Psychology and Psychiatry*. 1994 Mar; 35(3):441-59.
- ⁶³ Hawkins, J. David, Richard F. Catalano, and Michael W. Arthur, *Promoting Science-Based Prevention in Communities*, ADDICTIVE BEHAVIORS 27:6, 951-976 (2002).
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- ⁶⁷ Maine Department of Education, Office of Truancy, Dropout, and Alternative Education, *Alternative Education Information*, <http://www.maine.gov/education/tdae/alted.htm>
- ⁶⁸ *Final Report of the Alternative Education Programs Committee*, December 2007, State of Maine 123rd Legislature First Regular Session, Chair: Sen. Peter B. Bowman, Chair: Rep. Emily Ann Cain.
- ⁶⁹ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Current Status of Alternative Education Programs in Maine: Impact Upon Policies and Practices for Students with Disabilities and Students Considered to Be "At-Risk"*, Pg 1. (2001) "First, these programs could effectively meet the learning and emotional/behavioral needs of many students who possess different personal and learning styles that are difficult to accommodate within the traditional educational system. These students typically are those who may not qualify for, or actually need, special education services but who are at high risk for dropping out of school at some point in their careers."
- ⁷⁰ Repucci, N., *Adolescent Development and Juvenile Justice*, American Journal of Community Psychology, 27.3, 307-326 (1999).
- ⁷¹ Stanfield, R., *Overview: The JDAI Story: Building a Better Juvenile Detention System, Pathways to Juvenile Detention Reform*. The Annie E. Casey Foundation. www.aecf.org.
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- ⁷⁴ Justice Policy Institute, Barry Holman and Jason Zidenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06->

⁷⁵Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), <http://www.juticespolicy.org/images/upload/06>

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⁸⁰See JDAI, <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>; and see also Models for Change, <http://www.modelsforchange.net/index.html>.

⁸¹See JDAI, <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>; see also Models for Change, <http://www.modelsforchange.net/index.html>.

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⁸³Moore, Solomon, *Missouri System Treats Juvenile Offenders With Lighter Hand*, The N.Y. TIMES, 27 Mar. 2009, at A13.

⁸⁴See [NY Draft Report], *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*, at 38 (2009). [Note: draft available at <http://documents.nytimes.com/14juvenile#p=44>]

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⁸⁹Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 3, (2008).

⁹⁰Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 3, (2008).

⁹¹Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 2-8, (2008).

⁹²Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 2-8, (2008).
⁹³from internal Task Force document, provided to the Incarceration/Detention Sub-committee by DOC associate commissioner. Data from “Population count reports provided by facilities”.

⁹⁴from internal Task Force document, provided to the Incarceration/Detention Sub-committee by DOC associate commissioner. Data from “Population count reports provided by facilities”.

⁹⁵See generally Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. See also James Austin et al., *Alternatives to the Secure Detention and Confinement of Juvenile Offenders* (Office of Juvenile Justice and Delinquency prevention, 2005), <http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>, which provides the following endorsement of community-base programs:

Community-based programs are cost-effective solutions for a large number of delinquent youth. These alternatives to secure detention and confinement are intended to reduce crowding, cut the costs of operating juvenile detention centers, shield offenders from the stigma of institutionalization, help offenders avoid associating with youth who

have more serious delinquent histories, and maintain positive ties between the juvenile and his or her family and community.

Some community-based programs have been shown to reduce recidivism by up to 22 percent, at a cost significantly lower than imprisonment. Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf, at 12, citing Washington State Institute for Public Policy, Elizabeth K. Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (June 2007) <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>.

⁹⁶ Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 4-11, (2008).

⁹⁷ Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 4-11, (2008).

⁹⁸ Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 4-11, (2008).

⁹⁹ Maine Statistical Analysis Center, USM Muskie School of Public Service, *2008 Maine Crime & Justice Data Book*, at 4-10, (2008).

¹⁰⁰ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹⁰¹ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at 4, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf, citing Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp and American Correctional Association, *2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (2008)).

¹⁰² Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at 4, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf, citing Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp and American Correctional Association, *2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (2008)).

¹⁰³ Justice Policy Institute, *Pruning Prisons: How Cutting Corrections Can Save money and protect Public Safety*, 16 (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_PruningPrisons_AC_PS.pdf [hereinafter *Pruning Prisons*]. “Evidence-based practices such as Family Functional Therapy and Multisystemic Therapy yield significant cost savings to states. For every dollar spent on family functional therapy, \$15 is provided in benefits.” Id.

¹⁰⁴ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹⁰⁵ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹⁰⁶ See Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, S. 678, 111th Cong. § 103(34) (2009) [note: not yet enacted] (defining “evidence based”).

[T] term ‘evidence based’ means a program or practice that is demonstrated to be effective and that ... (A) is based on a clearly articulated and empirically supported theory; ... (B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and ... (C) has been scientifically tested, optimally through randomized control studies or comparison group studies; ...

See also Washington State Institute for Public Policy, Elizabeth K. Drake et al., *Evidence-Based Public Policy options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*, 183 (April 2009), <http://www.wsipp.wa.gov/rptfiles/09-00-1201.pdf>. See also generally Washington State Institute for Public Policy, Elizabeth K. Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (June 2007) <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf> (listing six juvenile offender programs that have been identified by the Washington State Institute for Public Policy as evidence-based, descriptions of each program, and information regarding quality assurance and program cost per participant and benefits).

¹⁰⁷ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 20, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (describing Functional Family Therapy (FFT)).

This family-based program works as both prevention and intervention. It is a multi-level eight to 12 week program that seeks to address family dysfunction, acknowledging that in the long run, removing the youth from his or her family and community may not fix the root problem behind the behavior. The FFT program can lower recidivism by up to 38 percent, averaging around 16 percent, and has \$10.69 in benefits for each dollar of cost when administered by trained therapists.

Id. (internal citations omitted).

¹⁰⁸ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 20, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (describing Aggression Replacement Training (ART)).

This program is designed for youth who exhibit aggressive tendencies and anti-social behavior and are therefore considered to be at a high risk of reoffending. ART is a 10-week, 30-hour intervention administered to groups of eight to 12 youth who have committed an offense. ART has been found to reduce recidivism after 18 months by up to 24 percent, averaging around 7 percent, and has \$11.66 benefits per \$1 costs.

Id. (internal citations omitted).

¹⁰⁹ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 20, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (describing Multi-Systemic Therapy (MST)).

MST works with the family to address the underlying causes of illegal and delinquent behavior and the role that families play in a young person's behavior. Families are taught how to build healthy relationships and use appropriate methods of discipline. MST works to achieve behavioral change at home, rather than in a correctional facility. MST has shown to reduce long-term rates of re-arrest by 25-70 percent, and has an average reduction of re-arrest of around 10.5 percent. States that use MST can see \$13.36 in benefits to public safety for every dollar spent on the program.

Id. (internal citations omitted).

¹¹⁰ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 20, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (describing Multidimensional Treatment Foster Care (MTFC)).

MTFC is an alternative to group homes or detention facilities for youth. Rather than place youth into a group, each foster family has one youth at a time which allows them to tailor programming to that specific individual's needs. The individual treatment also allows the child to be closely monitored. At first, the youth is with the foster parent at all times but as the youth shows good behavior, the restrictions are loosened and he or she is given more freedom. Aside from close monitoring by the foster parents, the youth also receives job and social skills training from a professional therapist and the birth parents and child receive family therapy where the parents learn how to properly discipline their child. MTFC has been shown to reduce recidivism rates for youth by 22 percent on average, and has a cost-benefit ratio of \$10.88 in benefits for every dollar spent.

Id. (internal citations omitted).

¹¹¹ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 20, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹¹² See [NY Draft Report], *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*, at 44 (2009) (describing the principles of positive youth development). [Note: draft available at <http://documents.nytimes.com/14juvenile#p=44>]

Positive youth development is an approach to working with young people that emphasizes a youth's strengths rather than weaknesses. Key components of positive youth development include providing youth with opportunities to build the competencies they need to make a successful transition to adulthood . . . and establishing supportive relationships with caring adults. Research has shown that programs and services that incorporate these elements can make youth more resilient and help them develop the healthy habits and behaviors needed to avoid negative influences. Because positive youth development principles describe the conditions necessary for *all* youth to succeed, this approach is valuable for working with system-involved youth who can be safely served in their communities through alternative-to-placement and reentry programs, as well as those who must be cared for in an institutional placement facility.

Id. (emphasis in original) (citations omitted).

¹¹³ Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, S. 678, 11th Cong. § 103(35) (2009) ("[T]he term 'promising' means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, as documented in writing to the Administrator; . . .").

¹¹⁵ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, at 6, (Nov. 2006), http://www.juticespolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf. (internal citation omitted) (referencing the work of Dr. Delbert Elliott, former President of the American Society of Criminology and head of the Center for the Study of the Prevention of Violence). See generally Elliot, D.S., *Serious Violent Offenders: Onset, Developmental Course, and Termination*, The American Society of Criminology 1993 presidential Address, *Criminology*, Volume 32, Number 1 (1994).

¹¹⁶ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 17, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (discussing how incarceration

can slow the “aging out” process of delinquency by isolating a juvenile from conventional norms and opportunities for growth that youth who remain in the community receive and how incarceration often fails to meet the mental health needs of juveniles at risk of contact with or involved in the juvenile justice system).

¹¹⁷ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 17, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹¹⁸ Coalition for Juvenile Justice, *Emerging Concepts Brief: What Are the Implications of Adolescent Brain Development for Juvenile Justice?*, at 2 (2006). (exploring the implications of adolescent brain development research for policy and practice in juvenile justice and delinquency prevention).

¹¹⁹ See Coalition for Juvenile Justice, *Emerging Concepts Brief: What Are the Implications of Adolescent Brain Development for Juvenile Justice?*, at 2 (2006), providing the following “key facts” regarding adolescent brain development:

- During adolescence, the brain begins its final stages of maturation and continues to rapidly develop well into a person’s early 20s, concluding around the age of 25.
- The prefrontal cortex, which governs the “executive functions” of reasoning, advanced thought and impulse control, is the final area of the human brain to mature.
- Adolescents generally seek greater risks for various social, emotional and physical reasons, including changes in the brain’s neurotransmitters, such as dopamine, which influence memory, concentration, problem-solving and other mental functions. Dopamine is not yet at its most effective level in adolescence.
- Adolescents commonly experience “reward-deficiency syndrome,” which means they are no longer stimulated by activities that thrilled them as younger children. Thus, they often engage in activities of greater risk and higher stimulation in efforts to achieve similar levels of excitement.
- Adolescents must rely heavily on the parts of the brain that house the emotional centers when making decisions, because the frontal regions of their brains are not fully developed.

Id. at 3 (internal citations omitted). See also generally C. Antoinette Clarke, *Bridging the Gap: An Interdisciplinary Approach to Juvenile Justice Policy*, 56 Depaul L. Rev. 927 (2007) (reviewing research on psychology, neuroscience, and child development, discussing the negative consequences of punitive juvenile justice policies, and recommending that every phase of the process—from adjudication to disposition to corrections—be informed by developmental research); John V. Oberstar et al., *Cognitive and moral Development, Brain Development, and Mental Illness: Important Considerations for the Juvenile Justice System*, 32 Wm. Mitchell L. Rev. 1051 (2006) (discussing the forensic implications of research about normal brain development and brain development in the context of mental illness and supporting treating children in the juvenile system differently from adults); Brief of the American Medical Ass’n et al. as Amici Curiae Supporting Respondent, *Roper v. Simmons*, 543 U.S. 551 (2005) (No. 03-633), available at 2004 WL 1633549 (explaining that adolescents’ brain development is immature because the frontal lobe, the part of the brain responsible for reasoning, impulse control, cost-benefit calculations, and good judgment, is not fully developed) and *Roper v. Simmons*, 543 U.S. 551 (2005) (holding that the execution of offenders who were sixteen or seventeen at the time of their offense was unconstitutional and did not comport with evolving standards of decency).

¹²⁰ Coalition for Juvenile Justice, *Emerging Concepts Brief: What Are the Implications of Adolescent Brain Development for Juvenile Justice?*, at 2 (2006).

¹²¹ *Rethinking the “Juvenile” in Juvenile Justice: Implications of Adolescent Brain Development on the Juvenile Justice System*, Wisconsin Council on Children and Families, March 2006, available at www.wccf.org.

¹²² Coalition for Juvenile Justice, *Adolescent Brain Development & Juvenile Justice Fact Sheet*, JJDP Fact Book available at www.juvjustice.org.

¹²³ Health and Justice for Youth Campaign, *Adolescent Brain Development: A Critical Factor in Juvenile Justice Reform*, available at www.physiciansforhumanrights.org.

¹²⁴ Repucci, N., *Adolescent Development and Juvenile Justice*, American Journal of Community Psychology. 27.3, 307-326 (1999).

¹²⁵ Office of Juvenile Justice Delinquency Prevention, National Disproportionate Minority Contact Databook, *What is an RRI?*, available at <http://www.ojjdp.ncjrs.gov/ojstatbb/dmcd/b/asp/whatis.asp>.

“At its simplest, the RRI is a means of comparing the rates of juvenile justice contact experienced by different groups of youth. The RRI is best explained by example. For the DMC Databook, the first decision point that is assessed with an RRI Matrix is the arrest decision. For this decision point, the RRI compares the arrest rate for white youth with the arrest rate for all racial minorities as a group (and for each racial minority group individually). To calculate an arrest rate (or any rate), you need a numerator and a denominator. Typically an arrest rate for a racial group uses a measure of their arrests in a year as the numerator and a measure of population as the denominator. Many arrest counts could be used depending on the process that one wishes to study (e.g., all arrests, violent crime arrests, drug arrests). Let’s assume we want to study the juvenile justice system’s handling of all delinquency matters as a whole, so we must find a count of all delinquency arrests for each racial subgroup we wish to study.”

¹²⁶ DRAFT, University of Southern Maine, Muskie School of Public Service, *Disproportionate Minority Contact in Maine Report: DMC Assessment and Identification*, Prepared for the Juvenile Justice Advisory Group, at 38 (September 2009).

¹²⁷ DRAFT, University of Southern Maine, Muskie School of Public Service, *Disproportionate Minority Contact in Maine Report: DMC Assessment and Identification*, Prepared for the Juvenile Justice Advisory Group, at 38 (September 2009).

¹²⁸ DRAFT, University of Southern Maine, Muskie School of Public Service, *Disproportionate Minority Contact in Maine Report: DMC Assessment and Identification*, Prepared for the Juvenile Justice Advisory Group, at 38 (September 2009).

¹²⁹ Juvenile Justice Advisory Group. *Disproportionate Minority Contact*. available at <http://maine.gov/corrections/jjag/DMC.htm>.

¹³⁰ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹³¹ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (“California, Illinois, Ohio, New York, Pennsylvania, and other large states are redirecting funds once spent on large residential facilities, and spending those dollars on less expensive, more effective programs to curb reoffending and reduce youth crime.”)

¹³² Juvenile Justice Advisory Group, *Detention Project: Maine Survey/Interview*, at 4 (Jan 2003), available at <http://www.maine.gov/corrections/jjag/ReportsPubs/DetentionReportFinal.pdf>.

¹³³ Juvenile Justice Advisory Group, *2009 to 2011 Comprehensive Three Year Plan for Juvenile Justice and Delinquency Prevention*, at 32 (March 2009), available at <http://www.maine.gov/corrections/jjag/>.

¹³⁴ Juvenile Justice Advisory Group, *2009 to 2011 Comprehensive Three Year Plan for Juvenile Justice and Delinquency Prevention*, at 30 (March 2009), available at <http://www.maine.gov/corrections/jjag/>. (“The Maine Department of Corrections Division of Juvenile Services is responsible for processing youth referred from local law enforcement agencies for the commission of juvenile offenses.”)

¹³⁵ Juvenile Justice Advisory Group, *2009 to 2011 Comprehensive Three Year Plan for Juvenile Justice and Delinquency Prevention*, at 32 (March 2009), available at <http://www.maine.gov/corrections/jjag/>.

¹³⁶ See Juvenile Justice Advisory Group, *2009 to 2011 Comprehensive Three Year Plan for Juvenile Justice and Delinquency Prevention*, at 32 (March 2009), available at <http://www.maine.gov/corrections/jjag/>. (recommending a plan for developing community-based programs to help prevent juvenile delinquency).

In an effort to effectively divert [] low risk offenders from the system we need to encourage and support the development of a range of programs and services aimed at identifying and addressing the factors that are leading to their initial involvement in the juvenile justice system. These community based programs should be available to local law enforcement agencies and the DOC as a diversion alternative [sic] focused on preventing further penetration of first time/low risk juvenile offenders into the juvenile justice system. . . . Programs will be based on evidence based practices that have a proven track record of producing positive outcomes for youth and families through a strategy of asset development.

¹³⁷ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (“The biggest states are realigning fiscal resources away from ineffective and expensive state institutions, and towards more effective community-based services. California, Illinois, Ohio, New York, Pennsylvania, and other large states are redirecting funds once spent on large residential facilities, and spending those dollars on less expensive, more effective programs to curb reoffending and reduce youth crime.”)

¹³⁸ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 16, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹³⁹ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (Nov. 2006), http://www.juticespolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf.

¹⁴⁰ Washington State Institute for Public Policy, Elizabeth K. Drake et al., *Evidence-Based Public Policy options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*.

¹⁴¹ Washington State Institute for Public Policy, Elizabeth K. Drake et al., *Evidence-Based Public Policy options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*.

¹⁴² Washington State Institute for Public Policy, Elizabeth K. Drake et al., *Evidence-Based Public Policy options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*.

¹⁴³ Butts, Jeffrey. *Briefing Paper #3: A Sensible Model for Juvenile Justice*. Youth Transition Funders Group, BEYOND THE TUNNEL PROBLEM, Sec 1:1, (Summer 2008), available at <http://www.jbutts.com/pdfs/sensible2008.pdf>.

¹⁴⁴ Butts, Jeffrey. *Briefing Paper #3: A Sensible Model for Juvenile Justice*. Youth Transition Funders Group, BEYOND THE TUNNEL PROBLEM, Sec 1:2, (Summer 2008), available at <http://www.jbutts.com/pdfs/sensible2008.pdf>.

¹⁴⁵ Butts, Jeffrey. *Briefing Paper #3: A Sensible Model for Juvenile Justice*. Youth Transition Funders Group, BEYOND THE TUNNEL PROBLEM, Sec 1:5, (Summer 2008), available at <http://www.jbutts.com/pdfs/sensible2008.pdf>.

¹⁴⁶ Wasserman, Gail A., Larkin S. McReynolds, Susan J. Ko, Laura M. Katz, and Jennifer R. Carpenter, *Gender differences in psychiatric disorders at juvenile probation intake*, in *AMERICAN JOURNAL OF PUBLIC HEALTH*, 95(1): 131-137 (2005).

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- ¹⁴⁷ Butts, Jeffrey. *Briefing Paper #3: A Sensible Model for Juvenile Justice*. Youth Transition Funders Group, BEYOND THE TUNNEL PROBLEM, Sec 1:5, (Summer 2008), available at <http://www.jbutts.com/pdfs/sensible2008.pdf>.
- ¹⁴⁸ Catalano, R., et al., *Positive Youth Development in the United States: Research Findings on Evaluations of Positive Youth Development Programs*, Social Development Research Group University of Washington School of Social Work, Chapter One, "Practitioner, Policy, and Prevention Science Perspectives") (1998), available at <http://aspe.hhs.gov/hsp/positiveyouthdev99/chapter1.htm#ppp>
- ¹⁴⁹ National Research Council and Institute of Medicine, *Community Programs to Promote Youth Development*, in COMMITTEE ON COMMUNITY-LEVEL PROGRAMS FOR YOUTH (Jacquelynne Eccles and Jennifer A. Gootman, Eds., Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education. Washington, DC: National Academy Press (2002)).
- ¹⁵⁰ National Research Council and Institute of Medicine, *Community Programs to Promote Youth Development*, in COMMITTEE ON COMMUNITY-LEVEL PROGRAMS FOR YOUTH 150 (Jacquelynne Eccles and Jennifer A. Gootman, Eds., Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education. Washington, DC: National Academy Press (2002)).
- ¹⁵¹ Maine Department of Health and Human Services, Office of Child and Family Services, *About Wraparound Maine*, available at <http://www.maine.gov/dhhs/ocfs/wraparound/aboutus.shtml>
- ¹⁵² *The Wraparound Approach: An Overview*, at 3. Abstracted from Burchard, J. D., Bruns, E.J., & Burchard, S.N. *The Wraparound Process*, In B. J. Burns & K. Hoagwood, COMMUNITY-BASED TREATMENT FOR YOUTH, Oxford: Oxford University Press (2002). available at <http://www.rtc.pdx.edu/nwi/PDF/WAOOverview.pdf> (pg. 3)
- ¹⁵³ Pukstas, K. and Lamm, M., *Wraparound Maine Evaluation: Preliminary Outcomes for the First 118 Families*, USM Muskie School of Public Service, at 14, (July 2009), available at http://www.maine.gov/dhhs/ocfs/wraparound/preliminary_outcomes.pdf.
- ¹⁵⁴ Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp and American Correctional Association, *2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (2008).
- ¹⁵⁵ Pukstas, K. and Lamm, M., *Wraparound Maine Evaluation: Preliminary Outcomes for the First 118 Families*, USM Muskie School of Public Service, at 24, (July 2009), available at http://www.maine.gov/dhhs/ocfs/wraparound/preliminary_outcomes.pdf.
- ¹⁵⁶ Quote taken with permission from an internal Task Force document prepared by District Court Justice Charles LaVerdiere.
- ¹⁵⁷ Testimony, by Atty. Christopher Northrop and Dr. Lannie Welch. Public Hearing for LD 1703. Maine State Legislature, Joint Standing Committee on Criminal Justice and Public Safety, Jan. 25, 2010.
- ¹⁵⁸ Testimony, by Atty. Christopher Northrop and Dr. Lannie Welch. Public Hearing for LD 1703. Maine State Legislature, Joint Standing Committee on Criminal Justice and Public Safety, Jan. 25, 2010.
- ¹⁵⁹ Kiernan, Hannah, *Juvenile Substance Abuse and Diversion Survey*, Maine Juvenile Justice Advisory Group (Spring 2008), available at <http://www.state.me.us/corrections/jjag/ReportsPubs/Diversion%20Survey%20Report.doc>.
- ¹⁶⁰ For example, in order for residential placement programs to receive MaineCare funding, their residents must demonstrate medical necessity through the Intensive Temporary Residential Treatment (ITRT) process. Youth who do not meet ITRT criteria but require an out-of-home placement have limited options outside of being placed in DHHS custody or committed to a secure detention facility.
- ¹⁶¹ For information concerning a variety of special techniques, tactics, and strategies that can help rural areas accomplish detention reform, see Richard A. Mendel, Annie E. Casey Foundation, *Detention Reform in Rural Jurisdictions: Challenges and Opportunities* (2008), available at http://www.aecf.org/~media/PublicationFiles/15_Rural_Pathways_r20.pdf.
- ¹⁶² See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 5, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. ("By rethinking how they fund their juvenile justice systems, states and localities can succeed in keeping more youth at home, reduce the number of youth incarcerated, promote better outcomes for young people moving through these systems, and potentially show significant savings to taxpayers."). The following are notable examples of state programs that succeeded in shifting their funding mechanisms and achieved positive outcomes:
- Ohio—"RECLAIM Ohio"
- Ohio created a system that allocates money to counties for juvenile justice based on delinquency levels and population. The county uses the same pool of money whether it utilizes community-based alternatives or state commitment. Community-based alternatives are cheaper, thus encouraging the county to invest in those initiatives.
 - Between RECLAIM Ohio's enactment in 1992 and 2009, the number of young people committed to secure state care in Ohio fell 42 percent.
 - According to a fiscal analysis by the Ohio Department of Youth Services, for every dollar spent on the RECLAIM program, the state saves from \$11 to \$45 in commitment and processing costs, depending on the risk level of the youth.
- Illinois—"Redeploy Illinois"

- Under Redeploy Illinois, participating counties agree to cut the number of youth they send to state secure facilities by at least 25 percent below the average of the previous three years. The reduction can be seen in the overall population or in any specific population. In return, the state reimburses the counties for funds they spend managing the adjudicated youth locally.
- Since starting in mid-2004, Redeploy pilot sites included the 2nd Judicial District (containing 12 rural counties) and St. Clair, Peoria, and Macon counties. In its first three years of implementation, the pilot sites diverted 382 youth from commitment, saved an estimated \$18.7 million in costs, and lowered the number of commitments by 51 percent. In April 2009, Illinois made Redeploy a permanent initiative to be expanded in other counties.

New York – “Re-direct New York”

- In February 2009, New York State closed six youth residential facilities, downsized two, and closed three evening reporting centers. The projected savings of closing these facilities is approximately \$16.4 million and the funds will be redirected to counties to strengthen alternatives to incarceration.
- Coinciding with state residential facility closures, legislators will introduce Re-direct New York, which would create a fiscal incentive for counties to utilize alternatives to incarceration rather than state-run residential facilities for youth or local detention facilities. The law would reimburse counties for 65 percent of the cost of using alternatives to incarceration, reinvest half of the savings in alternatives to community-based alternatives, and fund only evidence-based alternatives.

Pennsylvania—“Act 148”

- Pennsylvania reimburses 80 percent of the county cost of community-based juvenile justice services. The county pays the state 40 percent of the cost of state youth confinement.
- Three years after Act 148 was enacted in the late 1970s, there was a 75 percent increase in state subsidies for county programs; by the early 1980s, secure placements for youth dropped 24 percent. In 2006, only 14 percent of committed youth were placed in state facilities.

California—SB 81

- In 2007, as part of a budget “trailer bill,” the governor signed legislation that bans commitments of youth adjudicated of nonviolent offenses to state-run residential facilities.
- Block grants established under the bill will provide an average of \$130,000 per youth eligible to be placed in community-based alternatives.
- The state projected that the number of youth placed in state residential facilities would decrease from about 2,500 to about 1,500 within two years.

Wisconsin—“Youth Aids”

- Instead of Wisconsin funding the state-run secure residential confinement facilities directly, it allocates a certain amount of money to each county for each bed used in the facility. The county uses some of the money for the state-run facility or it can use it for less expensive, community-based alternatives.
- A year after Youth Aids was enacted in 1980, 25 counties shared \$26 million in funding plus state capacity-building money for community alternative programs. Between 1997 and 2006, the number of state commitments fell by 43 percent.

Id. at 5–6 (internal citations omitted).

¹⁶³ Alma Powell, Chair, America’s Promise Alliance - “Delivering America’s Promise,” 2009 American Academy of Pediatrics National Convention and Exhibition, October 17, 2009: - <http://www.americaspromise.org/About-the-Alliance/Press-Room/Speeches-and-Quotes/2009-Alma-Powell-October-17.aspx>.

¹⁶⁴ See Education Week, Editorial Projects in Education Research Center, *Diplomas Count, 2009: Broader Horizon's - The Challenge of College Readiness For All Students*, at 7 (2009) (presenting a Chart Entitled: “Projection of Graduates and Non-Graduates”).

¹⁶⁵ USM Muskie School of Public Service, Justice Policy Program 2008 *Maine Crime & Justice Data Book* (2009) pg. 3-6 “Of the 1,840 prisoners in adult facilities for whom education data is available, a majority of prisoners (54.1%) have less than a high school (HS) education, and nearly one-eighth (11.1%) have less than a 9th grade education. Overall, 45.9% of the inmates in Maine’s prison system have a 12th grade education or a higher level of education, compared with 89.4% across the state.”

¹⁶⁶ Center for Labor Market Studies, Northeastern University, *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Tax Payers* (October, 2009). “The average high school dropout will cost taxpayers over \$292,000 in lower tax revenues, higher cash and in-kind transfer costs, and imposed incarceration costs relative to an average high school graduate.” Id.

¹⁶⁷ See University of Maine, *Maine’s Dropout Prevention Summit* (July 17-18, 2009) (presenting the “Governor’s Challenge by America’s Promise Alliance”), available at <http://www.maine.gov/cabinet/syv/WorkAndActionReports/DropoutPreventionSummit.htm>

¹⁶⁸ See generally 18 U.S.C. §922(q) (1994).

¹⁶⁹ See American Bar Association, *Zero Tolerance Policy Report* (2001), available at <http://www.abanet.org/crimjust/juvjus/zerotolreport.html> (discussing the expanded scope and unintended consequences of zero tolerance policies).

¹⁷⁰ See American Bar Association, *Zero Tolerance Policy Report* (2001), available at <http://www.abanet.org/crimjust/juvjus/zerotolreport.html> (“Although few could quarrel with a policy of zero tolerance towards children who misbehave - adults who raise, teach or supervise children should react to misbehavior - their responses should be appropriate to the age, history and circumstances of the child as well as to the nature of the offense. Unfortunately, when it is examined closely, ‘zero tolerance’ turns out to have very little to do with zero tolerance, and everything to do with one-size-fits-all mandatory punishment.”).

¹⁷¹ See 20-A M.R.S. § 1001(9) (providing Maine’s standards for student suspensions and expulsions). “Following a proper investigation of a student’s behavior and due process proceedings, if found necessary for the peace and usefulness of the school, they shall expel any student: A. Who is deliberately disobedient or deliberately disorderly; . . .” *Id.* (emphasis added).

¹⁷² Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 27 (2006) (emphasis in original).

¹⁷³ Governor John E. Baldacci, Maine Governor, *2006 State of the State Address* (2006), available at http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Speeches&id=21216&v=Article

¹⁷⁴ Maine Department of Health and Human Services, *Invest Early In Maine: A Working Plan for Humane Early Childhood Systems* (2006).

¹⁷⁵ Maine Children’s Alliance, *Maine Kids Count Data Book*, at 19 (2009).

“Every year for the past nine years, approximately two-thirds of Head Start eligible children have not been enrolled in a Head Start program. In 2008, there were 14,748 eligible children. The total actual enrollment of individual children in Head Start was 4,787, while the total funded Head Start enrollment was 3,920. The difference between the actual enrollment figure and funded enrollment figure represents 867 children who were enrolled in a program for a minimum of 30 days, but did not receive a full year of Head Start.”

Id.

¹⁷⁶ Department of Corrections, Office of the Director of Continuous Quality Improvement (Nov. 19, 2009).

¹⁷⁷ *from internal Task Force document, provided to the Incarceration/Detention Sub-committee by DOC associate commissioner. Data from “Population count reports provided by facilities”.*

¹⁷⁸ *from internal Task Force document, provided to the Incarceration/Detention Sub-committee by DOC associate commissioner. Data from “Population count reports provided by facilities”.*

¹⁷⁹ See generally Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. See also James Austin et al., *Alternatives to the Secure Detention and Confinement of Juvenile Offenders* (Office of Juvenile Justice and Delinquency prevention, 2005), <http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>, which provides the following endorsement of community-based programs:

Community-based programs are cost-effective solutions for a large number of delinquent youth. These alternatives to secure detention and confinement are intended to reduce crowding, cut the costs of operating juvenile detention centers, shield offenders from the stigma of institutionalization, help offenders avoid associating with youth who have more serious delinquent histories, and maintain positive ties between the juvenile and his or her family and community.

Some community-based programs have been shown to reduce recidivism by up to 22 percent, at a cost significantly lower than imprisonment. Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 12, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (citing Washington State Institute for Public Policy, Elizabeth K. Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (June 2007) <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>).

¹⁸⁰ Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), http://www.juticespolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf. See also Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 10, (May 2009),

http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (“Researchers who have critically evaluated the adult criminal justice system have found little if any correlation between increasing prison populations and lower crime rates. . . . Concurrently, data shows that states that increased the number of youth in facilities did not necessarily see a bigger drop in crime than states that lowered juvenile correctional populations.”) “[S]tates that significantly lowered the number of youth incarcerated were more likely to see bigger drops in crime than states that increased their correctional populations.” *Id.*

¹⁸¹ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹⁸² Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 4, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf. (citing Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp and American Correctional Association, *2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (2008)).

¹⁸³ Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, at 1, (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf.

¹⁸⁴ For example, in order for residential placement programs to receive MaineCare funding, their residents must demonstrate medical necessity through the Intensive Temporary Residential Treatment (ITRT) process. Youth who do not meet ITRT criteria but require an out-of-home placement have limited options outside of being placed in DHHS custody or committed to a secure detention facility.

¹⁸⁵ For information concerning a variety of special techniques, tactics, and strategies that can help rural areas accomplish detention reform, see Richard A. Mendel, Annie E. Casey Foundation, *Detention Reform in Rural Jurisdictions: Challenges and Opportunities* (2008), available at http://www.aecf.org/~media/PublicationFiles/15_Rural_Pathways_r20.pdf.

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